
COURT OF ERROR AND APPEALS.

WILLIAM CRONKRIGHT
et al.,
Appellants,
vs.
PETER HAUBENBEEK
et al.,
Respondents. } On Appeal.

Appellants' Points.

1. Commissioners in this case should have nothing beyond their per diem, because they acted erroneously and thereby put the parties to great expense. I refer to the following opinion :

HAUBENBEEK et al. }
vs. } May Term, 1875.
CRONKRIGHT et al. } XI C. E. GREEN, 159.

On motion to suppress return of commissioners in partition and proofs taken in opposition to the return and in support thereof.

Mr. C. H. Voorhis, for the motion.

Mr. B. Williamson, contra.

THE CHANCELLOR.

A careful examination of the return of the commissioners and of the testimony taken to be used on this motion, satisfies me that there is no just cause of complaint in regard to the partition in this case except as to the division of the triangular piece of land. That lot is of the dimensions of one hundred and eighty feet on the base line on Bergen turnpike, the other lines being respectively one hundred and eighty-six feet and two hundred and twenty-seven feet and five inches. It is valued at about \$1500 an acre. The commissioners divided it into six equal triangular parts, each having a front of thirty feet on the turnpike and extending to the apex of the plot divided. One of the owners among whom the partition is to be made, is an infant entitled to an equal sixth-part of the premises to be partitioned. *Such a partition of this lot is practically destructive of the infant's interest therein.*

The property is in a rural neighborhood, and though land there commands a price far beyond its value for agricultural purposes, it is in no such demand as to justify the division of so small a tract of such a shape into six equal parts. The adult owners by joining their lots may, perhaps, protect themselves to a certain extent against the consequences of such a partition. *But not so the infant in whose behalf this motion is made.* The commissioners seem to have acted upon the supposition that they were required to make equal partition among all the owners of each parcel. I find no reason to question the propriety of their action in respect to any other part of the property. But as to this, their partition is destructive of the value of the thing divided. Nor was there any necessity for such a partition of this lot. In dividing the whole property this plot might have been assigned to one person. Where a partition is made upon wrong principles or in disregard of the rights of the parties, or where there is a great and evident inequality in the division, the court will quash the return of the commis-

sioners. In the Matter of Thompson's estate 2 Green's Ch. 637; Hay v. Estill, 4 C. E. Green 134.

In this case in the particular under consideration *the commissioners have disregarded the rights of the parties and have proceeded on a wrong principle.* The return, therefore, will be quashed and a new commission will be issued to other commissioners.

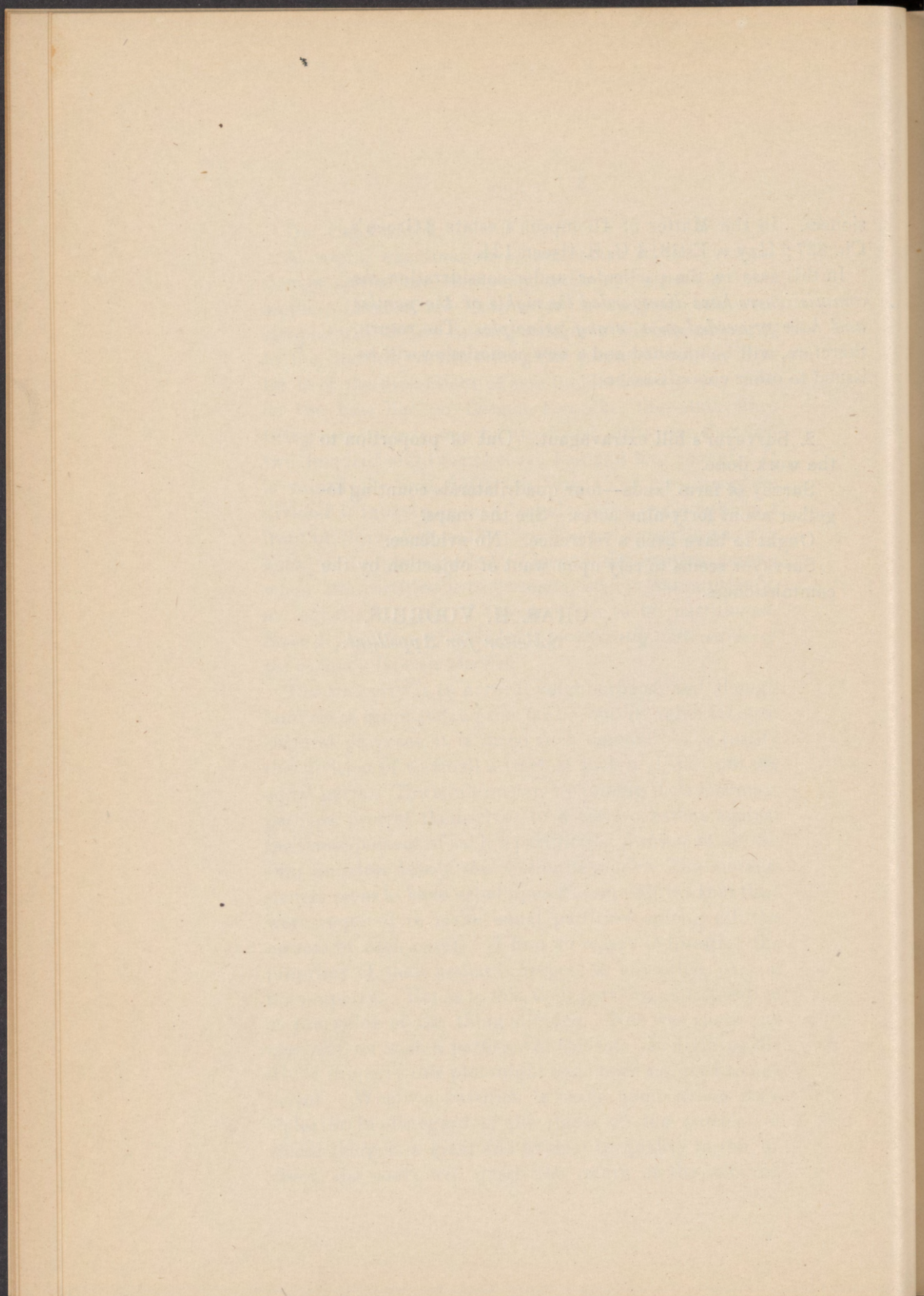
2. Surveyor's bill extravagant. Out of proportion to the work done.

Survey of farm lands—four quadrilaterals counting together about forty-nine acres. See the maps.

Ought to have been a reference. No evidence.

Surveyor seems to rely upon want of objection by the commissioners.

CHAS. H. VOORHIS,
Solicitor for Appellant.



Court of Errors and Appeals.

BETWEEN

WILLIAM CRONKRIGHT et al.,

Appellants,

AND

PETER HAULENBECK et al.,

Respondents.

ON APPEAL. 20

POINTS OF RESPONDENT WILLIAM WILLIAMS.

The bill in this cause was filed for partition of certain real estate in the County of Bergen, of which James Cronkright died seized.

A Commission was regularly issued in the cause to Samuel E. DeGroot and others, directing them to make partition and division of such lands.

William Williams, the respondent, who is a civil engineer, was employed by the Commissioners to make, and did make, a survey and map of the property for the use of the Commissioners. His bill for such services remaining unpaid, he applied to the Court, by petition, for an order directing it to be paid.

His petition alleges, and it is not disputed, that his said bill was accepted by the Commissioners as just, fair and correct in every particular, and was not paid only because the Commissioners had no funds for the purpose.

(See his petition and affidavits in printed case, pages 1 to 7.)

Upon filing this petition, a rule was granted (page 8) requiring the complainants and defendants to show cause 10 why the petitioner's bill, with interest, should not be paid by the complainants or defendants, or some of them, and be a lien upon the real estate mentioned in the bill of complaint in the cause, or some part thereof, as proper and legitimate costs in the cause, and execution issue therefor.

This rule was served on all parties, and by a decree dated Nov. 17, 1879, it was decreed that the petitioner was entitled to said sum of \$513, with interest from Nov. 1, 1873, to be paid by the complainants, as proper 20 and legitimate costs in the cause.

By another decree, dated October, 1880, (page 12, etc.) the former decree was modified, so that said sum of \$513, with interest, was to be taxed by the clerk as part of the costs of partition, and the complainant's costs, including this bill of Wm. Williams, with interest and costs, to be apportioned between the tenants in common, according to their respective interests, and to be a lien on each share till paid.

A final decree was made herein June 2, 1880, also di- 30 recting the costs to be paid, and making an extra allowance of \$30 to each of the Commissioners.

The appellants appeal from so much of the decree of Nov. 17, 1879, as adjudges that the respondent is entitled to said sum of \$513 and interest for his services in surveying and making maps for the Commissioners.

And from that part of the decree dated October, 1880, which orders the amount due Wm. Williams to be taxed as part of the costs in the cause and orders, such costs to be apportioned among the tenants in common accord-

ing to their respective interests, to be a lien on on each share until paid. And from so much of the final decree as allows \$30 extra allowance to each of the Commissioners.

I.

The final decree filed June 2, 1880, is not appealable because not resisted by the appellants.

It is recited (page 14) that it was taken upon notice served on all parties in interest, and that no objection¹⁰ was made thereto.

Some of the parties in interest, including Elizabeth Cronkright, individually, and as guardian of Elizabeth Berry Cronkright, signed their consent to the decree (page 53).

Townsend vs. Smith, 1 Beas., 350.

II

An appeal will not be from a decree awarding costs. 20

2 Dan. Ch. Pr., 1465, and cases cited.

Lozear vs. Shields, 8 C. E. G. 509.

III.

The decrees appealed from are properly made, because the petitioner's bill for services is part of the proper and legitimate costs of the cause, and recoverable from the owners of the land partitioned.

The costs of issuing, executing and confirming the³⁰ commission in partition proceedings in Chancery are recoverable from the parties in proportion to their several interests.

Coles vs. Coles, 2 Beas., 365.

Agar vs. Fairfax, 17 ves., 533.

2 Dan. Ch. Pr., *1163.

Rev. p. 506

IV.

The costs of an infant, as well those before as those

subsequent to issuing the commission, will be declared to be a charge on his share.

Cox vs. Cox, 3 Kay & Johnson, 544. 552
2 Dan. Ch. Pr., *1163.

V.

The only difference between the decree of Nov. 17, 1879, and that of October, 1880, is that, by the former, the complainant is liable in the *first instance* to pay Williams' bill, and by the latter each owner of the land is responsible for his *pro rata* share of said bill, which is in accordance with the final decree of June 2, 1880.

These decrees were taken regularly in the presence of, or on notice to, all parties in interest, and should be affirmed.

WM. S. SHARP, Printer, 21 W. State street, Trenton, N. J.

COURT OF ERRORS AND APPEALS.

Between

WILLIAM CRONKRIGHT

et al.,

Appellants,

and

PETER HAULENBECK

et al.,

Respondents.

*On
Appeal
from
Chancery.*

Petition of William Williams.

*To the Honorable Theodore Runyon, Chancellor of the
State of New Jersey:*

The petition of William Williams, of Hackensack, Bergen county, New Jersey, respectfully shows—

That the bill of complaint in the above stated cause was filed in this honorable court for the purpose of obtaining a division or partition of the real estate whereof

James Cronkright died seized, and that such proceedings were had therein that Thomas H. Herring, Samuel E. De Groot and Abraham Duryea, were appointed commissioners to divide said lands under the authority and direction of said court, with power to employ a surveyor, and to cause all necessary maps and surveys to be made.

And your petitioner further shows that said commissioners entered upon the discharge of their duty under
10 said appointment, and employed this petitioner, who is a civil engineer and surveyor by profession, to survey said lands, and to make the necessary maps for said partition, and the petitioner, pursuant to said employment, made a regular survey of said lands under direction of said commissioners, and also made the necessary maps for the use of said commissioners.

And your petitioner further shows that he has presented a bill to said commissioners for his services in said matter, amounting to the sum of five hundred and
20 thirteen dollars, which is a fair and reasonable compensation for the work and labor by him performed for said commissioners, (a true copy of which bill is hereto annexed), and that no portion of said bill has been paid to him, and on which said bill four years' interest, amounting to one hundred and forty-three dollars and sixty four cents, is due.

And your petitioner further shows that said bill has been accepted by said commissioners as just, fair and correct in every particular, but that they have informed
30 petitioner that said proceedings are still in litigation and dispute, and that they have no money in hand, and none has been furnished them with which to pay petitioner's said bill.

Wherefore your petitioner prays that an order of this court may be made, directing payment of the moneys so as aforesaid due your petitioner, with interest, by said commissioners or some one or more of the parties com-

plainant or defendant to said suit, as to your Honor shall seem just.

And your petitioner will ever pray, &c.

ACKERSON & VAN VALEN,
Solicitors of Petitioner.

State of New Jersey, Bergen county, ss.—William Williams, of full age, being duly sworn according to law, on his oath saith that he is the petitioner named in the foregoing petition, and deponent saith that the facts, matters, and things set forth in said petition are true. 10

WM. WILLIAMS.

Sworn and subscribed before me, Nov. 3d, 1877.

ABRAHAM D. CAMPBELL, *M. C.*

The following is the copy of the bill mentioned in the foregoing petition, viz. :

ESTATE OF JAMES CRONKRIGHT, DECEASED.

1872.		<i>To Wm. Williams.</i>
October	10, Preliminary survey,	\$10 00
"	11, Office work,	5 00
"	14, Surveying with assistants,	15 00
"	15, do.	15 00
"	16, Office work,	2 50
"	29, Surveying, &c.,	15 00
"	30, do.	15 00
"	31, Office work,	5 00
Nove'ber	1, Surveying, &c.,	15 00
"	6, Office work,	5 00
"	8, do.	2 50
"	25, Surveying, &c.,	15 00
"	26, Office work,	5 00
"	27, do.	2
"	29, do., mapping,	10 00
Dece'ber	4, Surveying with assist.,	15 00

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1872.		
Dece'ber	5, Surveying with assist.,	\$15 00
"	6, do.,	15 00
"	10, Office work, mapping and cal.,	10 00
"	11, do.,	5 00
"	12, do.,	5 00
"	23, With com. on ground,	10 00
"	27, Office work,	2 50
1873.		
10	January 2, Office work,	2 50
"	3, do.,	2 50
"	4, Office work, map on tracing,	5 00
"	4, do.,	5 00
"	6, Meeting com. on ground,	5 00
"	13, Surveying, &c.,	7 50
"	14, do.,	15 00
"	21, Office work,	2 50
"	23, Surveying for division, &c.,	15 00
"	24, Office work, cemetery map,	10 00
20	" 25, do.,	2 50
"	27, do.,	5 00
Febru'ry	4, do.,	2 50
"	5, Surveying Block B,	15 00
"	6, do. Block A,	15 00
"	7, Office work,	5 00
"	8, Surveying triangle and Block A,	15 00
"	8, Office work,	2 50
"	10, do. and mapping,	10 00
"	11, do.,	2 50
30	" 14, Mapping tri.,	5 00
"	20, Surveying Block A and B,	15 00
"	21, Office work, Block A and B,	5 00
"	24, Meeting com. on ground, &c.,	5 00
March	3, do.,	5 00
"	19, Surveying division lines on Block A and F,	15 00
"	20, Office work, maps,	5 00

1873.			
March	22,	Office work, new maps,	\$10 00
"	24,	do. duplicate maps,	5 00
"	25,	do.,	5 00
"	26,	Drawing description in full,	10 00
"	31,	do.,	8 00
April	1,	Office work,	5 00
"	2,	do.,	7 00
"	4,	do.,	5 00
"	7,	do.,	2 50
"	8,	do.,	2 50
"	10,	do.,	5 00
July	11,	Meeting com., &c.,	5 00
		Maps from surrogate,	3 00
August	8,	Office work, maps for court,	5 00
"	9,	Office work, maps of court,	5 00
"	14,	do.,	5 00
"	15,	Meeting com. at Hoboken, &c.,	10 00
			<hr/>
			\$513 00
		Interest for 4 years,	143 64
			<hr/>
			\$656 64

Please take notice that we will, on the hearing of the rule to show cause granted in the above cause in the petition of William Williams, use and read in support of said petition and rule, affidavits, copies of which are hereto annexed, before the Chancellor, at his chambers in the city of Newark, on Monday, the twenty-sixth day of November, instant, at ten o'clock in the forenoon.

ACKERSON & VAN VALEN,
Solicitors of Petitioner. 30

Dated November 10th, 1877.

New Jersey, Bergen county, ss.—William Williams, of full age, being duly sworn according to law, on his

oath saith that he is a civil engineer, doing business in the county of Bergen; that on or about the 1st day of October, A. D. 1872, he was employed to make surveys and maps of the real estate of James Cronkright, late of said county, deceased, by Thomas H. Herring, Samuel E. De Groot and Abraham Duryea, the commissioners appointed by the Court of Chancery of New Jersey to divide the lands and real estate of said deceased; that deponent, in pursuance of such employment and under
10 the direction of said commissioners, did survey and make maps of the said real estate, and that the bill hereunto annexed shows a true and correct statement of the work done and the charges made by this deponent for the same. And deponent further saith that he has, on several occasions, presented his said bill to said commissioners and requested payment thereof; that the said commissioners recognized and admitted the correctness of the charges made by deponent for the work done for them, and expressed a willingness and desire to pay the
20 same, and that none had been furnished to them; that the matter of the partition or division of the said real estate was still in litigation, and it was uncertain when the case would be settled or divided.

And deponent further saith that he has frequently applied to some of the parties interested in said lands and the division thereof, and to their solicitors, and requested payment of his said bill, and they have always informed the deponent that it was just and proper that the same should be paid, but that the matter of the partition of
30 said lands was in litigation; that it was expected soon to be decided and then this deponent's bill should be paid in full. And deponent further saith that there is due on said bill the sum of \$143.64, four years' interest.

And deponent further saith that no part of said bill or of the interest due thereon has been paid.

WM. WILLIAMS.

Sworn and subscribed before me, November 10th, 1877.

WM. M. JOHNSON, *M. C.*

New Jersey, Bergen county, *ss.*—Samuel E. De Groot, of full age, being duly sworn according to law, on his oath saith that he is one of the commissioners appointed by the Court of Chancery of New Jersey to divide the real estate late of James Cronkright, deceased; that in order to make such division or partition it was absolutely necessary to have surveys and maps made of the lands 10 to be divided; that to make such maps and surveys, William Williams, a civil engineer, residing at Hackensack, in this county, was by the commissioners employed to make such maps and surveys.

And deponent further saith that said William Williams actually did, under the order and direction of the commissioners, make all the maps and surveys which have been used in the partition proceedings, and which were entirely satisfactory to the commissioners.

And deponent further saith that he has examined the 20 annexed bill of items of said William Williams for the work by him performed, and he believes the same to be correct in every particular; that the other commissioners were aware of the amount of said bill, and the correctness of the same has never been questioned by any or either of them.

And deponent further saith that the said William Williams has frequently applied to the commissioners to pay said bill, and that said commissioners have been unable to pay because no money for that purpose has 30 been furnished to them.

SAMUEL E. DE GROOT.

Sworn and subscribed before me, this 12th day of November, A. D. 1877.

WM. M. JOHNSON, *M. C.*

Rule to Show Cause.

Upon reading and filing the petition of William Williams in the above-entitled cause: It is on this fifth day of November, in the year eighteen hundred and seventy-seven, on motion of Ackerson & Van Valen, solicitors of the petitioner, ordered that the complainants and defendants show cause before the Chancellor, at his chambers, in the city of Newark, on Monday the twenty-sixth day of November, instant, at ten o'clock in the forenoon, why an order should not be made directing that the sum
10 of five hundred and thirteen dollars, being the amount due to the petitioner for services rendered by him as a civil engineer to the commissioners appointed in said cause by this court, with four years' interest thereon, should not be paid to the petitioner by the complainants or defendants, or some of them; and that the same shall be a lien upon the real estate mentioned in the bill of complaint, or some part thereof, as proper and legitimate costs in the cause, and execution issued therefor.

It is further ordered that a copy of this order be
20 served on the complainants and defendants, or their solicitors, and upon Samuel E. De Groot and Abraham Duryea, the two surviving commissioners appointed by the court in said cause, ten days before the said twenty-sixth day of November, eighteen hundred and seventy-seven.

THEODORE RUNYON, C.

Decree to Pay Costs, &c.

[Filed November 17, 1879.]

William Williams having heretofore filed his petition in this cause, setting forth that Thomas H. Henry, now deceased, Samuel E. De Groot, and Abraham W. Duryea, the commissioners appointed by this court to divide the land whereof James Cronkright died seized, described in the bill of complaint in this cause, had employed the petitioner as a civil engineer and surveyor, to survey said lands, and to make the necessary maps of said partition, and that pursuant to said appointment, the said petitioner made a regular survey and the necessary maps for the commissioners' use, and that his bill for his said services, being a fair and reasonable compensation for his said labor, amounts to the sum of five hundred and thirteen dollars, with interest from November first, A. D. eighteen hundred and seventy-three, a copy of which bill, showing the items of his charges, is annexed to said petition, and that no portion of said amount has been paid to him, and further showing that said bill was accepted by the commissioners as correct in every particular, but that they were unable to pay the same, for want of funds, and praying that an order of this court might be made, directing payment of the said moneys due the petitioner, with interest, by one or more of the parties complainant and defendant to said suit, to which petition was annexed the affidavit of the petitioner and of Samuel E. De Groot, one of the commissioners, showing that the allegations of said petition are correct and true, and that the said sum of five hundred and thirteen dollars and interest is justly due and owing to the petitioner—

Wherefore, an order of this court was made, bearing date November fifth, eighteen hundred and seventy-

seven, requiring the complainants and defendants to show cause before this court, on the twenty-sixth day of November, A. D. eighteen hundred and seventy-seven, why an order should not be made directing payment to the petitioner, by the complainants and defendants, or some of them, of said sum of five hundred and thirteen dollars, with interest from November first, A. D. eighteen hundred and seventy three, for his services as aforesaid, and that the same should be a lien upon the real estate

10 mentioned in the bill of complaint, or some part thereof, as proper and legitimate costs in the cause and execution issued therefor, and the hearing on said order to show cause having been postponed from time to time, at the request of the complainants and some of the defendants, and no further action having been taken until the twentieth day of January, A. D. eighteen hundred and seventy-nine, when, upon motion in behalf of the petitioner, it was further ordered that the complainants and

20 defendants show cause, on the fourth day of February, eighteen hundred and seventy-nine, why said sum of five hundred and thirteen dollars, with interest, should not be paid to the petitioner by the complainants or defendants, or some of them, and that the same be made a lien upon the real estate mentioned in the bill of complaint and execution issued therefor, which last-mentioned order was duly served, as therein directed; and upon the fourth day of February, eighteen hundred and seventy-nine, the day appointed in said order, the said complainants and some of the defendants having appeared

30 by their solicitors, and having been heard on said petition, at their request, the signing of a decree in said matter was adjourned to the eleventh day of February, eighteen hundred and seventy-nine, to afford the parties to said suit an opportunity to arrange for the settlement and payment of the petitioners' claim; and since that time, the said parties complainant and defendant having taken no further steps in said matter, so far as the peti-

tioner's bill is concerned, and said claim remaining still unpaid—

Whereupon, the court having read and considered the said petition and affidavits of the petitioner, and of Samuel E. De Groot, one of said commissioners, annexed thereto, by which it satisfactorily appears that the said commissioners, within the scope of their authority, employed the petitioner as civil engineer and surveyor to survey the lands a partition whereof is sought by the bill of complaint in this cause, and to make the necessary maps for said partition; and that the petitioner, pursuant to said employment, made a regular survey of said lands under the direction of said commissioners, and also made the necessary maps for the use of the said commissioners; and that the amount due to the said petitioner is a fair and reasonable compensation for the work and labor by him performed for said commissioners in the sum of five hundred and thirteen dollars (\$513), and that said amount has been approved by said commissioners as his just, fair and proper compensation for such services, but that they have no money in hand and none has been furnished them with which to pay the petitioner's bill; and the court being of the opinion that the petitioner is entitled to the amount of said bill of five hundred and thirteen dollars (\$513), together with interest thereon from the first day of November, A. D. eighteen hundred and seventy-three, and the same should be paid by the complainants, and that the same should become and be made a lien upon the share or interest of the complainants in the real estate mentioned and described in said bill of complaint as proper and legitimate costs in the cause, and that execution should be awarded to the petitioner to recover the same: It is on this seventeenth day of November, eighteen hundred and seventy-nine, ordered, adjudged and decreed, on motion of Garret Ackerson, Jr., the solicitor of the petitioner, that the said petitioner, William Williams, is entitled to said sum of five hundred and thirteen dollars (\$513) for said

services, with interest thereon from November first, A. D. eighteen hundred and seventy-three, amounting in the whole to the sum of seven hundred and forty-eight dollars and forty-six cents (\$748.46), and that the complainants, Peter Haulenbeck and Ellen Alleval Haulenbeck, his wife, do forthwith pay the same to the petitioner, or his solicitor, with the costs of this order, in ten days after service of a copy of this order on their solicitor, as proper and legitimate costs in the cause, and that
 19 the amount of said debt and costs be a lien on the share or interest of said complainants in said lands. And it is further ordered that in case default be made in the payment of said amount, or any portion thereof, a writ of *feri facias* do issue to levy and make the same, with costs, of the goods and lands of the said complainants.

And it is further ordered that the said petitioner have leave to apply for such further or other orders as may be necessary.

THEODORE RUNYON, C.

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Modified Decree.

[Filed November 23, 1880.]

This matter coming on to be heard before the Honorable Theodore Runyon, Chancellor, at his chambers in Newark, in the presence of Abel I. Smith, solicitor of said complainants, and Garret Ackerson, Jr., solicitor of William Williams, said surveyor, and said counsel having been heard, and the court having considered the matter: It is thereupon on this
 30 day of October, eighteen hundred and eighty, ordered, adjudged and decreed that the decree heretofore made in this cause on the seventeenth day of November, eighteen hundred and seventy nine, so far as it orders "that said com-

plainants, Peter Haulenbeck and Ellen A., his wife, do forthwith pay to the said William Williams, or his solicitor, the sum of five hundred and thirteen dollars, with interest thereon from November first, anno domini, eighteen hundred and seventy-three, amounting in the whole to the sum of seven hundred and forty-eight dollars and forty-six cents, with the costs of said order, in ten days after service of a copy of said order on their solicitor as proper and legitimate costs in the cause, and that the amount of said debt and costs be a lien on the 10 share or interest of said complainants in said lands, and that in case default be made in the payment of said amount, or any portion thereof, a writ of *feri facias* do issue to levy and make the same, with costs of the goods and lands of the said complainants," be and the same is opened, set aside, and for nothing holden, either in law or in equity, and that the enrollment thereof be vacated, and that the said sum of five hundred and thirteen dollars having been adjudicated upon and fixed in said decree, it is further ordered that the said sum of 20 three hundred and thirteen dollars, with interest from November first, eighteen hundred and seventy-three, and the costs of said William Williams, taxed at forty-six dollars and twenty-six cents, be taxed by the clerk of this court in the taxed bill of costs in this cause, as a part of the costs in partition. It is further ordered, adjudged and decreed that the costs of the complainant, including the said claim of William Williams, with interest and costs, be apportioned between the complainant and defendants, the tenants in common according to 30 their respective interests in the premises, and that the amount apportioned to each person be a lien on the share of such person until paid, and that the person to whom the same is payable, and said William Williams,

ing first been duly sworn according to law, and having given due notice to the said several parties, did enter upon, walk over and survey the said tracts of land and premises, and did proceed to, and did separate and divide the said tracts in equal parts or shares, with the owelty hereinafter directed to be paid, quantity and quality relatively considered, and did allot one of said shares to the defendant Elizabeth Berry Cronkright, which said share is bounded and described as follows, to wit:

First. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgfield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by Wm. Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block A as lot number one: Beginning at a point 10
in the northeast corner of the said lot and the southeast corner of land in the possession of Stephen Martling, in the westerly line of the Bergen turnpike road; thence from said point of beginning (1) along the line of the said Stephen Martling north, sixty-eight degrees and forty-eight minutes west, eight hundred and seventy-seven feet and three-tenths of a foot, to the centre of a creek leading into the straight ditch; thence (2) southerly, along the centre of the said creek, the several courses thereof, to the northwest corner of lot number two, al- 30
lotted to William Cronkright; thence (3) easterly, along the line of the said lot numbered two, nine hundred and eighty-two feet, to the westerly line of the said Bergen turnpike road; thence (4) northerly, along the westerly line of the said Bergen turnpike road one hundred and twenty-one feet, to the point of beginning, containing, after deducting that portion over which the Northern

Railroad of New Jersey passes, two acres and sixty-six hundredths of an acre.

Bounded northerly by land in the possession of Stephen Martling, southerly by lot number two, allotted to William Cronkright, easterly by the Bergen turnpike road, and westerly by the aforesaid creek.

Second. All that certain tract or parcel of land hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and
 10 State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block B as lot number one: Beginning at a point in the northeast corner of the said lot and northwest corner of lot number one on Block A, allotted to Elizabeth Berry Cronkright, and in the centre of a creek leading into the
 20 straight ditch and in the line of land of Stephen Martling; thence from said point of beginning (1) north, seventy-two degrees and forty-eight minutes west, three hundred and twenty-one feet to the northeast corner of lot number two, allotted to William Cronkright; thence (2) along said line south, twenty-two minutes east, three hundred and fifty-two feet, to the line of land formerly of George Suckley; thence (3) along said line of land north, eighty-nine degrees and fifty-two minutes east, two hundred and thirty-four feet, to the centre of the
 30 aforesaid creek; thence (4) northerly, along the centre of the said creek, the said several courses thereof, to the point of beginning, containing one acre and forty-eight hundredths of an acre; bounded northerly, in part, by lands of Stephen Martling and the creek leading into the straight ditch, southerly by land formerly of George Suckley, easterly by the aforesaid creek, and westerly by lot number two, allotted to William Cronkright.

Third. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block C as lot numbered two: Beginning at a point in the southeast corner of the said lot and northeast corner of lot number one, allotted to William Cronkright, and in the westerly line of the Bergen turnpike road; thence from said point of beginning (1) westerly, along the line of the said lot number one, nine hundred and sixty-nine feet to the centre of Bellman's creek; thence (2) northerly, along the centre of the said creek the several courses thereof to the southwest corner of lot number three, allotted to Mary Lorena Cronkright; thence (3) easterly, along the line of the said lot number three, one thousand feet and eight-tenths of a foot to the westerly line of the Bergen turnpike road; thence (4) southerly, along the westerly line of the same, one hundred and one feet to the point of beginning, containing two acres and twenty-six hundredths of an acre, bounded northerly, by lot number three, allotted to Mary Lorena Cronkright; southerly, by lot number one, allotted to William Cronkright; easterly, by the Bergen turnpike road, and westerly, by the Bellman's creek.

Fourth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and

distinguished on Block D as lot number one: Beginning at a point in the southwest corner of the said lot in the easterly line of the Bergen turnpike road and at the centre of a new street, forty feet wide, leading from the said Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the easterly line of the said Bergen turnpike road, ninety feet to the southwest corner of lot number two, allotted to Frances Cronkright; thence (2) easterly, along the
 10 line of the said lot, two hundred feet to lot number one on Block E, allotted to William Cronkright; thence (3) southerly, along the line of the said lot number one, ninety feet to the centre line of the aforesaid street leading from the Bergen turnpike road to the Bull's Ferry road; thence (4) north, sixty-four degrees and forty minutes west, along the centre of the said new street, two hundred feet to the point of beginning; said lot, exclusive of the new street, being seventy feet front and rear and two hundred feet deep, bounded northerly, by lot
 20 number two, allotted to Frances Cronkright; southerly, by the centre of the aforesaid new street; easterly, by lot number one on Block E, allotted to William Cronkright, and westerly, by the Bergen turnpike road.

Fifth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, in the years eighteen
 30 hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block E as lot number six: Beginning at a point in the southwest corner of the said lot, and southeast corner of lot number five allotted to Frances Cronkright, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the

line of the said lot number five, two hundred and ninety-two feet to the line of land of Wiseman; thence (2) along the line of said land, and line of land of Henry Engle south, forty-six degrees east, one hundred and fifty-two feet to the northwest corner of land of Thomas Townsend; thence (3) southerly, along the line of said land, two hundred and thirty-nine feet and six-tenths of a foot to the centre of the aforesaid New street; thence (4) westerly, along the centre of the same, one hundred and twenty-two feet to the point of beginning, containing seventy-nine hundredths of an acre, bounded north- 10
erly, by land of Wiseman and land of Henry Engle; southerly, by the centre line of the aforesaid new street; easterly, by land of Thomas Townsend; and westerly, by lot number five, allotted to Frances Cronkright.

Sixth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered two, entitled map of the estate of James 20
Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block F as lot number six: Beginning at a point in the northwesterly corner of the said lot, and southwest corner of lot number five allotted to William Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly, along the line of the said lot number five, one hundred and eighty-two feet to a point in the line of lands of Peter Hall and Thomas Herring; thence (2) westerly, along the line of land of the said Thomas Herring, one hundred and eighty six feet to the easterly line of the Bergen turnpike road; thence (3) northerly, along the easterly line of the same, thirty feet to the point of beginning, said lot being a triangular lot of thirty feet front, bounded northerly by lot number five, allotted to 20

William Cronkright ; southerly by land of Thomas Herring ; easterly, by a point in the line of lands of Peter Hall and Thomas Herring ; and westerly by the Bergen turnpike road.

Seventh. All that tract, lot or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which, on a certain map entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie, and filed in the Bergen county clerk's office, July second, eighteen hundred and fifty-five, Garret G. Ackerson, clerk, is laid down, numbered and distinguished on plot number three, as lot number ninety-two, being in breadth on each side, eight feet, and in length on each side, sixteen feet.

20 And did allot to the defendant, William Cronkright, as his share, the following tracts of land, bounded and described as follows :

First. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years
30 eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block A as lot number two : Beginning at a point in the northeast corner of said lot, and in the southeast corner of lot number one, and in the westerly line of the Bergen turnpike road ; thence from said point of beginning (1) along the line of said lot number one north, seventy degrees and forty-two minutes west, nine hundred and eighty-two feet to the centre of a

creek leading into the straight ditch ; thence (2) southerly, along the centre of the said creek the several courses thereof to northeast corner of land formerly of George Suckley ; thence (3) north, eighty-nine degrees and fifty-two minutes east, sixty-three feet ; thence (4) south, seventeen degrees and forty minutes west, forty-four feet to lot number three, allotted to Frances Cronkright ; thence (5) easterly, along the line of the said lot number three, eighteen hundred and forty-eight feet to the westerly line of the Bergen turnpike road ; thence (6) 10 northerly, along the westerly line of the said Bergen turnpike road, one hundred and twenty-one feet to the point of beginning, containing, after deducting that portion on which the Northern Railroad of New Jersey passes, two acres and sixty-nine hundredths of an acre ; bounded northerly, by lot number one, allotted to Elizabeth Berry Cronkright ; southerly, by lot number three, allotted to Frances Cronkright ; easterly, by the Bergen turnpike road ; and westerly, by the aforesaid creek and land formerly of George Suckley.

Second. All that certain tract or parcel of land 20 premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block B as lot number two : Beginning 30 at a point in the northeast corner of the said lot and in the northwest corner of lot number one, allotted to Elizabeth Berry Cronkright ; thence from said point of beginning (1) north, seventy-two degrees and forty-eight minutes west, ninety seven feet, to a point in the centre of the straight ditch ; thence (2) along the centre of the straight ditch south, eighty nine degrees and thirty eight minutes west, eighty five feet, to the northeast corner of

lot number three, allotted to Frances Cronkright; thence (3) along the line of the said lot, south, twenty-two minutes east, three hundred and seventy-eight feet to the line of land formerly of George Suckley; thence (4) along the said line of land, north, eighty-nine degrees and fifty-two minutes east, one hundred and seventy-six feet to the southwest corner of lot number one, allotted to Elizabeth Berry Cronkright; thence (5) along said line, north, twenty-two minutes west, three hundred and
 10 fifty two feet to the point of beginning, containing one acre and forty-eight hundredths of an acre; bounded northerly, in part, by the said creek leading into the straight ditch, and the straight ditch; southerly by land formerly of George Suckley; easterly by lot number one, allotted to Elizabeth Berry Cronkright, and westerly by lot number three, allotted to Frances Cronkright.

Third. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of
 20 Bergen and State of New Jersey, and which on a certain map, numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three," is laid down, numbered and distinguished in Block C as lot number one: Beginning at a point in the southeast corner of the said lot and in the line of land formerly belonging to Arthur Green, and in the westerly line of the Bergen turnpike road, thence
 30 from said point of beginning, (1) along the line of land formerly belonging to Arthur Green, north, forty-five degrees and fifty-seven minutes west, nine hundred and eighty feet to the centre of Bellman's creek; thence (2) northerly along the centre of said creek the several courses thereof to the southwest corner of lot number two, allotted to Elizabeth Berry Cronkright; thence (3) easterly along the line of the said lot number two, nine hundred and sixty-nine feet to the westerly line of the

Bergen turnpike road; thence (4) southerly along the westerly line of the same one hundred feet and five-tenths of a foot to the point of beginning, containing two acres and twenty-four hundredths of an acre; bounded northerly by lot number two, allotted to Elizabeth Berry Cronkright; southerly by land formerly belonging to Arthur Green; easterly by the Bergen turnpike road, and westerly by the Bellman's creek.

Fourth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and 10 being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block D as lot number six: Beginning at a point in the southwest corner of the said lot and north- 20 west corner of lot number five, allotted to Ellen Alleviel Haulenbeck, and in the easterly line of the Bergen turnpike road, thence from said point of beginning (1) northerly along the easterly line of the said Bergen turnpike road one hundred and twenty three feet and five-tenths of a foot to the southwest corner of land of Andrew Engle; thence (2) along the line of the said land, south, forty-six degrees east, two hundred and twenty-four feet to lot number one on Block E, allotted to William Cronkright; thence (3) southerly along the line of the said lot 30 fifty-one feet to the northeast corner of lot number five, allotted to Ellen Alleviel Haulenbeck; thence (4) westerly along the line of the said lot five hundred feet to the point of beginning; bounded northerly by land of Andrew Engle; southerly by lot number five, allotted to Ellen Alleviel Haulenbeck; easterly by lot number one on Block E, allotted to William Cronkright, and westerly by the Bergen turnpike road.

Fifth. All that tract or parcel of land and premises

- hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map, numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block E as lot number one, beginning at a point in the southwest corner of the said lot and the southeast corner of lot numbered one on Block D, allotted to Elizabeth Berry Cronkright, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road, thence, from said point of beginning, (1) northerly along the rear of lots numbered one, two, three, four, five and six on Block D, four hundred and sixty-one feet to the line of land of Andrew Engle; thence (2) along the line of the said land, south, forty-six degrees east, eighty five feet, to the northwest corner of lot number two, allotted to Ellen Allevial Haulenbeck; thence (3) southerly along the line of the said lot number two, four hundred and thirty-two feet to the centre of the aforesaid new street; thence (4) westerly along the centre of the same seventy-six feet to the point of beginning, containing seventy-nine hundredths of an acre; bounded northerly by land of Andrew Engle; southerly by the centre line of the aforesaid new street; easterly by lot number two, allotted to Ellen Allevial Haulenbeck, and westerly by lots numbers one, two, three, four, five and six, on Block D.

Sixth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered two, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen

hundred and seventy-three, is laid down, numbered and distinguished on Block F as lot number five: Beginning at a point in the northwesterly corner of the said lot, and southwest corner of lot number four, allotted to Frances Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly, along the line of the said lot number four, one hundred and eighty-three feet, to a point in the line of lands of Peter Hall and Thomas Herring; thence (2) westerly, one hundred and eighty-two feet, to the easterly line of the aforesaid Bergen turnpike road; thence (3) northerly, along the easterly line of the same, thirty feet, to the point of beginning; said lot being a triangular lot of thirty feet front; bounded northerly by lot number four, allotted to Frances Cronkright; southerly by lot number six, allotted to Elizabeth Berry Cronkright; easterly by a point in the line of lands of Peter Hall and Thomas Herring, and westerly by the Bergen turnpike road.

Seventh. All that tract, lot or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie, and filed in the Bergen county clerk's office, July second, eighteen hundred and fifty-five, Garret G. Ackerson, clerk, is laid down, numbered and distinguished on plot number three as lot number ninety-five, being in breadth on each side, eight feet, and in length on each side, sixteen feet.

And did allot to the defendant, Frances Cronkright, as her share, the following tracts of land, bounded and described as follows:

First. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block A as lot numbered three: Beginning at a point in the northeast corner of said lot, and southeast corner of lot number two, in the westerly line of the Bergen turnpike road; thence from said point of beginning, (1) along the line of said lot number two, north, seventy-two degrees and thirty-seven minutes west, eight hundred and forty eight feet, to the land of _____; thence (2) south, seventeen degrees and forty minutes west, along the said line of land, to the northwest corner of lot number four, allotted to Mary Lorena Cronkright; thence (3) easterly, along the line of the said lot number four, eight hundred and seventy-two feet, to the westerly line of the said Bergen turnpike road; thence (4) northerly, along the westerly line of the said Bergen turnpike road, one hundred and twenty-one feet, to the point of beginning, containing, after deducting that portion over which the Northern Railroad of New Jersey passes, two acres and forty five hundredths of an acre; bounded northerly by lot number two, allotted to William Cronkright; south-
 30 erly by lot number four, allotted to Mary Lorena Cronkright; easterly by the Bergen turnpike road, and westerly, in part, by land of _____ and a creek leading into the straight ditch.

Second. All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a

certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block B as lot number three: Beginning at a point in the northeast corner of the said lot, and northwest corner of lot number two, allotted to William Cronkright, and in the centre of the straight ditch; thence from said point of beginning (1) south, eighty-nine degrees and thirty-minutes west, one hundred and seventy feet, to the southeast corner of lot number four, allotted to Mary Lorena Cronkright; thence (2) along the line of the said lot number four, south, twenty-two minutes east, three hundred and seventy-six feet, to land formerly of George Suckley; thence (3) along the line of the said land north, eighty-nine degrees and fifty-two minutes east, one hundred and seventy feet, to the southwest corner of lot number two, allotted to William Cronkright; thence (4) along the line of the said lot north, twenty-two minutes west, three hundred and seventy-eight feet, to the point of beginning, containing one acre and forty-eight hundredths of an acre; bounded northerly by the aforesaid straight ditch; southerly by land formerly of George Suckley; easterly by lot number two, allotted to William Cronkright, and westerly by lot number four, allotted to Mary Lorena Cronkright.

Third. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block C as lot number four: Beginning

at a point in the southeast corner of the said lot and northeast corner of lot number three, allotted to Mary Lorena Cronkright, in the westerly line of the Bergen turnpike road; thence from said point of beginning (1) westerly, along the line of the said lot number three, one thousand two hundred feet, to the centre of Bellman's creek; thence (2) northerly, along the centre of said creek the several courses thereof to the southwest corner of lot number five, allotted to Margaret A. Cronkright; 10 thence (3) easterly, along the line of the said lot number five, one thousand one hundred and eleven feet, to the westerly line of the Bergen turnpike road; thence (4) southerly, along the westerly line of the same one hundred and forty-four feet and five-tenths of a foot, to the point of beginning, containing three acres and forty-two hundredths of an acre; bounded northerly, by lot number five, allotted to Margaret A. Cronkright; southerly, by lot number three, allotted to Mary Lorena Cronkright; easterly, by Bergen turnpike road, and westerly, 20 by the Bellman's creek.

Fourth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block D as lot number two: Beginning 30 at a point in the southwest corner of the said lot and northwest corner of lot numbered one, allotted to Elizabeth Berry Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) northerly, along the easterly line of the said Bergen turnpike road, eighty feet, to the southwest corner of lot number three, allotted to Mary Lorena Cronkright; thence (2) easterly, along the line of the said lot

number three, two hundred feet, to lot number one on Block E, allotted to William Cronkright; thence (3) southerly, along the line of the said lot number one, eighty feet, to the northeast corner of lot number one, allotted to Elizabeth Berry Cronkright; thence (4) westerly, along the line of the said lot number one, two hundred feet, to the point of beginning, said lot being eighty feet front and rear and two hundred feet deep; bounded northerly, by lot number three, allotted to Mary Lorena Cronkright; southerly, by lot number one, 10 allotted to Elizabeth Berry Cronkright; easterly, by lot number one on Block E, allotted to Wm. Cronkright, and westerly, by the Bergen turnpike road.

Fifth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the 20 years eighteen hundred and seventy two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block E as lot number five: Beginning at a point in the southwest corner of the said lot and southeast corner of lot number four, allotted to Mary Lorena Cronkright, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the line of the said lot number four, three hundred and thirty two feet, to the line of land 30 of Andrew Engle; thence (2) along the line of the said land and line of land of Wiseman south, forty-six degrees east, one hundred and twenty-two feet, to the northwest corner of lot number six, allotted to Elizabeth Berry Cronkright; thence (3) southerly, along the line of the said lot number six, two hundred and ninety-two feet, to the centre of the aforesaid new street; thence (4) westerly, along the centre of the same, one

hundred and ten feet, to the point of beginning, containing seventy-eight hundredths of an acre; bounded northerly, by land of Andrew Engle and land of

Wiseman; southerly, by the centre line of the aforesaid new street; easterly, by lot number six, allotted to Elizabeth Berry Cronkright, and westerly, by lot number four, allotted to Mary Lorena Cronkright.

10 *Sixth.* All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered two, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered, and distinguished on Block F as lot number four: Beginning at a point in the northwesterly corner of the said lot and southwest corner of lot number three, allotted to
20 Mary Lorena Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly along the line of the said lot number three, one hundred and eighty-eight feet to a point in the line of lands of Peter Hall and Thomas Herring; thence (2) westerly one hundred and eighty-three feet to the easterly line of the aforesaid Bergen turnpike road; thence (3) northerly along the easterly line of the same thirty feet to the point of beginning, said lot being a triangular lot of thirty feet front; bounded northerly by
30 lot number three, allotted to Mary Lorena Cronkright; southerly by lot number five, allotted to William Cronkright; easterly by a point in the line of lands of Peter Hall and Thomas Herring, and westerly by the Bergen turnpike road.

Seventh. All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of

Bergen, and State of New Jersey, and which on a certain map entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie, and filed in Bergen county clerk's office July second, eighteen hundred and fifty five, Garret G. Ackerson, clerk, is laid down, numbered, and distinguished on plot number three as lot number ninety one, being in breadth 10 on each side eight feet, and in length on each side sixteen feet.

And did allot to the defendant Mary Lorena Cronkright, as her share, the following tracts of land, bounded and described as follows :

First. All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed 20 by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred seventy-three, is laid down, numbered, and distinguished on Block A as lot number four: Beginning at a point in the northeast corner of the said lot and the southeast corner of lot number three, and in the westerly line of the Bergen turnpike road; thence from the said point beginning (1) along the line of lot number three north, seventy-four degrees and thirty-one minutes west, eight 30 hundred and seventy-two feet, to the centre of a creek leading into the straight ditch; thence (2) southerly, along the centre of the said creek, the several courses thereof, to the northwest corner of lot numbered five, allotted to Margaret A. Cronkright; thence (3) easterly, along the line of the said lot number five, eight hundred and ninety-nine feet, to the westerly line of the Bergen

turnpike road; thence (4) northerly, along the westerly line of the said Bergen turnpike road, one hundred and twenty-three feet, to the point of beginning, containing, after deducting that portion over which the Northern Railroad of New Jersey passes, two acres and fifty-six hundredths of an acre; bounded northerly by lot number three, allotted to Francis Cronkright; southerly by lot number five, allotted to Margaret A. Cronkright; easterly by the Bergen turnpike road, and westerly by the aforesaid creek leading into the straight ditch.

10 *Second.* All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which, on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and
1873, is laid down, numbered and distinguished on Block B as lot number four:
20 Beginning at a point in the northeast corner of the said lot and the northwest corner of number three, allotted to Frances Cronkright, and in the centre of the straight ditch; thence from said point of beginning (1) along the centre of the said straight ditch south, eighty-nine degrees and thirty-eight minutes west, one hundred and seventy-one feet to the northeast corner of lot number five, allotted to Margaret A. Cronkright; thence (2) along the line of the said lot south, twenty-two minutes east,
30 three hundred and seventy-four feet to the line of the land formerly of George Suckley; thence (3) along the line of the said land north, eighty-nine degrees and fifty-two minutes east, one hundred and seventy-one feet to the southwest corner of lot number three, allotted to Frances Cronkright; thence (4) north, twenty-two minutes west, three hundred and seventy-six feet, to the centre of the aforesaid straight ditch and point of beginning, containing one acre and forty-eight hundredths of

an acre, bounded northerly, by the aforesaid straight ditch; southerly, by land formerly of George Suckley; easterly, by lot number three, allotted to Frances Cronkright; and westerly, by lot number five, allotted to Margaret A. Cronkright.

Third. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James 10 Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block C as lot number three: Beginning at a point in the southeast corner of the said lot, and northeast corner of lot numbered two, allotted to Elizabeth Berry Cronkright, and in the westerly line of the Bergen turnpike road; thence from said point of beginning (1) westerly, along the line of the said lot number 20 two, one thousand feet and eight-tenths of a foot to the centre of Bellman's creek; thence (2) northerly, along the centre of the said creek, the several courses thereof to the southwest corner of lot number four, allotted to Frances Cronkright; thence (3) easterly, along the line of the said lot number four, one thousand and two hundred feet to the westerly line of the Bergen turnpike road; thence (4) southerly, along the westerly line of the same, one hundred and thirty-three feet and five-tenths of a foot to the point of beginning, containing 30 three acres and six-hundredths of an acre; bounded northerly, by lot number four, allotted to Frances Cronkright; southerly, by lot number two, allotted to Elizabeth Berry Cronkright; easterly, by the Bergen turnpike road; and westerly, by the Bellman's creek.

Fourth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of

- Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block D as lot number three: Beginning at a point in the southwest corner of the said lot and the northwest corner of lot number two, allotted to
- 10 Frances Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) northerly, along the easterly line of the said Bergen turnpike road, eighty feet, to the southwest corner of lot number four, allotted to Margaret A. Cronkright; thence (2) easterly, along the line of said lot number four, two hundred feet, to lot number one, on Block E, allotted to William Cronkright; thence (3) southerly, along the line of the said lot number one, eighty feet, to the northeast corner of lot number two,
- 20 allotted to Frances Cronkright; thence (4) westerly, along the line of the said lot number two, two hundred feet, to the point of beginning; said lot being eighty feet front and rear, and two hundred feet deep; bounded northerly by lot number four, allotted to Margaret A. Cronkright; southerly by lot number two, allotted to Frances Cronkright; easterly by lot number one, on Block E, allotted to William Cronkright, and westerly by the Bergen turnpike road.

- Fifth.* All that tract or parcel of land and premises
- 30 hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and

distinguished on Block E as lot number four: Beginning at a point in the southwest corner of the said lot and the southeast corner of lot number three, allotted to Margaret A. Cronkright, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the line of the said lot number three, three hundred and sixty-eight feet, to the line of land of Andrew Engle; thence (2) along the line of the said land south, forty-six degrees east, one hundred and ten feet, to the northwest corner of lot number five, allotted to Frances Cronkright; thence (3) southerly, along the line of the said lot number five, three hundred and thirty-two feet, to the centre of the aforesaid new street; thence (4) westerly, along the centre of the same, one hundred feet, to the point of beginning; containing seventy-nine hundredths of an acre; bounded northerly by land of Andrew Engle; southerly by the centre line of the aforesaid new street; easterly by lot number five, allotted to Frances Cronkright, and westerly by lot number three, allotted to Margaret A. Cronkright.

Sixth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered two, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block F as lot number three: Beginning at a point in the northwesterly corner of the said lot and southwest corner of lot number two, allotted to Margaret A. Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly, along the line of the said lot number two, one hundred and ninety-eight feet, to a point in the lands of

Peter Hall and Thomas Herring; thence (2) westerly, one hundred and eighty-eight feet, to the easterly line of the aforesaid Bergen turnpike road; thence (3) northerly, along the easterly line of the same, thirty feet, to the point of beginning; said lot being a triangular lot of thirty feet front; bounded northerly by lot number two, allotted to Margaret A. Cronkright; southerly by lot number four, allotted to Frances Cronkright; easterly by a point in the line of lands of Peter Hall and Thomas
10 Herring, and westerly by the Bergen turnpike road.

Seventh. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie,
20 and filed in the Bergen county clerk's office, July second, eighteen hundred and fifty-five, Garret G. Ackerson, clerk, is laid down, numbered and distinguished on plot number three as lot number ninety-six, being in breadth on each side, eight feet, and in length on each side, sixteen feet.

And did allot to the defendant, Margaret A. Cronkright, as her share, the following tracts, bounded and described as follows:

First. All that tract or parcel of land and premises
30 hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and

distinguished on Block A as lot number five : Beginning at a point in the northeast corner of the said lot and southeast corner of lot number four, and in the westerly line of the Bergen turnpike road, thence from said point of beginning (1) along the line of lot number four north, seventy-six degrees and twenty-seven minutes west, eight hundred and ninety-nine feet to the centre of a creek leading into the straight ditch ; thence (2) southerly along the centre of the said creek the several courses thereof to the northwest corner of lot number six, allotted 10 to Ellen Alleval Haulenbeck ; thence (3) easterly along the line of the said lot number six, eight hundred and seventy feet to the westerly line of the Bergen turnpike road ; thence (4) northerly along the westerly line of the said Bergen turnpike road one hundred and twenty-three feet to the point of beginning, containing, after deducting that portion over which the Northern Railroad of New Jersey passes, two acres and fifty-nine hundredths of an acre ; bounded northerly by lot number four, allotted to Mary Lorena Cronkright ; southerly by lot number six, 20 allotted to Ellen Alleval Haulenbeck ; easterly by the Bergen turnpike road, and westerly by the aforesaid creek.

Second. All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the 30 years eighteen hundred and seventy two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block B as lot number five : Beginning at a point in the northeast corner of the said lot and the northwest corner of lot number four, allotted to Mary Lorena Cronkright, and in the centre of the straight ditch, thence from said point of beginning (1) along the centre of the straight ditch, south, eighty-nine degrees and

thirty-eight minutes west, one hundred and seventy-two feet to the northeast corner of lot number six, allotted to Ellen Alleval Haulenbeck ; thence (2) along the line of the said lot, south, twenty-two minutes east, three hundred and seventy-two feet to the land formerly of George Suckley ; thence (3) along the line of the said land, north, eighty-nine degrees and fifty-two minutes east, one hundred and seventy-two feet to the southwest corner of lot number four, allotted to Mary Lorena Cronkright ;
10 thence (4) along the line of said lot number four, north, twenty-two minutes west, three hundred and seventy-four feet to the point of beginning, containing one acre and forty-eight hundredths of an acre ; bounded northerly by the straight ditch ; southerly by land formerly of George Suckley ; easterly by lot number four, allotted to Mary Lorena Cronkright ; and westerly by lot number six, allotted to Ellen Alleval Haulenbeck.

Third. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of
20 Bergen, State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block C as lot number five : Beginning at a point in the southeast corner of the said lot and northeast corner of lot number four, allotted to Frances
30 Cronkright, and in the westerly line of the Bergen turnpike road, thence from said point of beginning, (1) westerly along the line of said lot number four, one thousand one hundred and eleven feet to the centre of Bellman's creek ; thence (2) northerly along the centre of the said creek the several courses thereof to the southwest corner of lot number six, allotted to Ellen Alleval Haulenbeck ; thence (3) easterly along the line of the said lot number six, one thousand and sixty-five feet to

the westerly line of the Bergen turnpike road; thence (4) southerly along the westerly line of the same one hundred and forty-four feet and five-tenths of a foot to the point of beginning, containing three acres and twenty-three hundredths of an acre; bounded northerly by lot number six, allotted to Ellen Alleviel Haulenbeck; southerly by lot number four, allotted to Frances Cronkright; easterly by the Bergen turnpike road; and westerly by the Bellman's creek.

Fourth. All that tract or parcel of land and premises 10
 hereinafter particularly described, situate, lying and being
 in the township of Ridgefield, in the county of Bergen and
 State of New Jersey, and which, on a certain map num-
 bered three, entitled map of the estate of James Cronk-
 right, deceased, Bergen county, New Jersey, surveyed
 by William Williams, engineer, in the years eighteen
 hundred and seventy two and eighteen hundred and
 seventy-three, is laid down, numbered and distinguished
 on Block D as lot number four: Beginning at a point in
 the southwest corner of the said lot and the northwest 20
 corner of lot number three, allotted to Mary Lorena
 Cronkright, and in the easterly line of the Bergen turn-
 pike road, thence from said point of beginning, (1) north-
 erly along the easterly line of the said Bergen turnpike
 road eighty feet to the southwest corner of lot number
 five, allotted to Ellen Alleviel Haulenbeck; thence (2)
 easterly along the line of the said lot number five, two
 hundred feet to lot number one on Block E, allotted to
 William Cronkright; thence (3) southerly along the line
 of said lot number one, eighty feet to the northeast 30
 corner of lot number three, allotted to Mary Lorena
 Cronkright; thence (4) westerly along the line of the
 said lot number three, two hundred feet to the point of
 beginning; said lot being eighty feet front and rear, and
 two hundred feet deep; bounded northerly by lot num-
 ber five, allotted to Ellen Alleviel Haulenbeck; south-
 erly by lot number three, allotted to Mary Lorena Cronk-
 right; easterly by lot number one on Block E, allotted

to William Cronkright; and westerly by the Bergen turnpike road.

Fifth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the 10 years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block E as lot number three: Beginning at a point in the southwest corner of the said lot and southeast corner of lot number two, allotted to Ellen Alleviel Haulenbeck, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the line of the said lot number two, four hundred and one feet and nine tenths of a foot, to 20 the line of land of Andrew Engle; thence (2) along the line of said land south, forty-six degrees east, one hundred and two feet, to the northwest corner of lot number four, allotted to Mary Lorena Cronkright; thence (3) southerly, along the line of the said lot number four, three hundred and sixty-eight feet, to the centre of the aforesaid new street; thence (4) westerly, along the centre of the same, ninety feet, to the point of beginning, containing seventy-nine hundredths of an acre; bounded 30 northerly, by land of Andrew Engle; southerly, by the centre line of the aforesaid new street; easterly, by the lot numbered four, allotted to Mary Lorena Cronkright, and westerly, by lot number two, allotted to Ellen Alleviel Haulenbeck.

Sixth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map numbered two, entitled map of the estate of

James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block F as lot number two: Beginning at a point in the northwesterly corner of the said lot and southwesterly corner of lot number one, allotted to Ellen Alleval Haulenbeck, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly, along the line of the said lot number one, two hundred and eleven feet, to a point in the line of the lands of Peter Hall and Thomas Herring; thence (2) westerly, one hundred and ninety-eight feet, to the easterly line of the aforesaid Bergen turnpike road; thence (3) northerly, along the easterly line of the same, thirty feet, to the point of beginning, said lot being a triangular lot of thirty feet front; bounded northerly, by lot number one, allotted to Ellen Alleval Haulenbeck; southerly, by lot number three, allotted to Mary Lorena Cronkright; easterly, by a point in the line of the land of Peter Hall and Thomas Herring, and westerly, by the Bergen turnpike road.

Seventh. All that tract, lot or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map, entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie, and filed in the Bergen county clerk's office July second, eighteen hundred and fifty-five, Garret G. Ackerson, clerk, is laid down, numbered and distinguished on plot number three as lot number ninety-four, being in breadth on each side, eight feet, and in length on each side, sixteen feet.

And did allot to the complainant Ellen Alleval Haulenbeck, as her share, the following tracts of land, bounded and described as follows :

First. All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, in the State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, 10 New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered, and distinguished on Block A as lot number six : Beginning at a point in the northeast corner of the said lot and southeast corner of lot numbered five, and in the westerly line of Bergen turnpike road ; thence from said point of beginning (1) along the line of lot number five north, seventy-eight degrees and twenty seven minutes west, eight hundred and seventy feet, to the centre of 20 the creek leading into the straight ditch ; thence (2) southerly, along the centre of the said creek, the several courses thereof, to the line of the land of Thomas H. Herring ; thence (3) along the said line of Thomas H. Herring's south seventy-nine degrees twenty-seven minutes east, eight hundred and thirty-two feet and five-tenths of a foot, to the westerly line of the Bergen turnpike road ; thence (4) northerly, along the westerly line of the said Bergen turnpike road one hundred and forty 30 feet, to the point of beginning, containing, after deducting that portion over which the Northern Railroad of New Jersey passes, two acres and fifty-four hundredths of an acre ; bounded northerly by lot number five, allotted to Margaret A. Cronkright ; southerly by land of Thomas H. Herring ; easterly by the Bergen turnpike road, and westerly by the aforesaid creek.

Second. All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of

Bergen, and State of New Jersey, and which on a certain map numbered one, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three is laid down, numbered, and distinguished on Block B as lot number six: Beginning at a point in the northeast corner of the said lot and the northwest corner of lot number five, allotted to Margaret A. Cronkright, and in the centre of the straight ditch; 10
 thence from said point of beginning (1) along the centre of the said straight ditch south, eighty-nine degrees and thirty-eight minutes west, one hundred and seventy-three feet, to land of Thomas H. Herring; thence (2) along the line of the said land south, twenty-two minutes east, three hundred and seventy feet, to the line of land formerly of George Suckley; thence (3) along the line of the said land north, eighty-nine degrees and fifty-two minutes east, one hundred and seventy-three feet, to the southwest corner of lot numbered five, allotted to Margaret A. Cronkright; thence (4) along the line of the said lot number five north, twenty-two minutes west, three hundred and seventy-two feet, to the centre of the aforesaid straight ditch and point of beginning, containing one acre and forty-eight hundredths of an acre; bounded northerly by the aforesaid straight ditch; southerly by land formerly of George Suckley; easterly by lot number five, allotted to Margaret A. Cronkright, and westerly by land of Thomas H. Herring. 20

Third. All that tract or parcel of land and premises 30
 hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered, and

distinguished on Block C as lot number six: Beginning at a point in the southeast corner of the said lot and northeast corner of lot number five, allotted to Margaret A. Cronkright, and in the westerly line of the Bergen turnpike road; thence from said point of beginning (1) westerly, along the line of the said lot number five, one thousand and sixty-five feet, to the centre of Bellman's creek; thence (2) northerly, along the centre of the said creek, the several courses thereof, to the southwest corner of land of John Poole; thence (3) along the line of the said land south, forty-six degrees and fifty-five minutes east, one thousand two hundred and seventy-two feet, to the westerly line of the Bergen turnpike road; thence (4) southerly, along the westerly line of the same, one hundred and fifty-eight feet, to the point of beginning, containing three acres and fifty-three hundredths of an acre; bounded northerly by land of John Poole; southerly by lot numbered five, allotted to Margaret A. Cronkright; easterly by the Bergen turnpike road, and westerly by the Bellman's creek.

Fourth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered, and distinguished on Block D as lot number five: Beginning at a point in the southwest corner of the said lot and the northwest corner of lot number four, allotted to Margaret A. Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) northerly, along the easterly line of the said Bergen turnpike road eighty feet, to the southwest corner of lot number six, allotted to William Cronkright; thence (2)

easterly, along the line of the said lot number six, two hundred feet, to lot number one on Block E, allotted to William Cronkright; thence (3) southerly, along the line of the said lot number one, eighty feet, to the northeast corner of lot number four, allotted to Margaret A. Cronkright; thence (4) westerly, along the line of the said lot two hundred feet, to the point of beginning; said lot being eighty feet, front and rear, and two hundred feet deep; bounded northerly by lot number six, allotted to William Cronkright; southerly by lot number 10 four, allotted to Margaret A. Cronkright; easterly by lot number one on Block E, allotted to William Cronkright, and westerly by the Bergen turnpike road.

Fifth. All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered three, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the 20 years eighteen hundred and seventy-two and eighteen hundred and seventy-three is laid down, numbered, and distinguished on Block E as lot number two: Beginning at a point in the southwest corner of the said lot and southeast corner of lot number one, allotted to William Cronkright, and in the centre of the new street leading from the Bergen turnpike road to the Bull's Ferry road; thence from said point of beginning (1) northerly, along the line of the said lot number one, allotted to William Cronkright, four hundred and thirty-two feet, 30 to the line of the land of Andrew Engle; thence (2) along the line of the said land, south, forty-six degrees east, ninety-one feet, to the northwest corner of lot number three, allotted to Margaret A. Cronkright; thence (3) southerly, along the line of the said lot number three, four hundred and one feet and nine-tenths of a foot, to the centre of the aforesaid new street; thence (4) westerly, along the centre of the same eighty three feet to

the point of beginning, containing seventy-nine hundredths of an acre; bounded northerly by land of Andrew Engle; southerly by the centre line of the aforesaid new street; easterly by lot number three, allotted to Margaret A. Cronkright, and westerly by lot number one, allotted to William Cronkright.

10 *Sixth.* All that tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, county of Bergen and State of New Jersey, and which, on a certain map numbered two, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered and distinguished on Block F as lot number one: Beginning at a point in the northwesterly corner of the said lot and southwest corner of land of Peter Hall, and in the easterly line of the Bergen turnpike road; thence from said
20 point of beginning (1) easterly, along the line of land of the said Hall, two hundred and twenty-seven feet and five-tenths of a foot, to a point in the line of lands of Peter Hall and Thomas Herring; thence (2) westerly, two hundred and eleven feet, to the easterly line of the aforesaid Bergen turnpike road; thence (3) northerly, along the easterly line of the same, thirty feet, to the point of beginning, said lot being a triangular lot thirty feet front; bounded northerly, by land of Hall; southerly, by lot number two, allotted to Margaret A. Cronkright;
30 right; easterly, by a point in the line of lands of Peter Hall and Thomas Herring, and westerly, by the Bergen turnpike road.

Seventh. All that tract, lot or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Ridgefield, in the county of Bergen and State of New Jersey, and which, on a certain map, entitled map of the English Neighborhood Cemetery, laid out in burying lots, each lot being a

rectangular parallelogram of eight by sixteen feet, together with the main and lateral avenues, the lateral avenues being each six feet wide, surveyed by Simeon Zabriskie, and filed in Bergen county clerk's office July second, eighteen hundred and fifty-five, Garret G. Ackerson, clerk, is laid down, numbered and distinguished on plot numbered three as lot number ninety-three, being in breadth on each side, eight feet, and in length on each side, sixteen feet.

And by said report it further appearing that in making 10
the said partition, as the same could not otherwise be made equal between the said parties, and for the purpose of equalizing the same, the said commissioners did ascertain and report the compensation which ought to be made in consequence of the difference in value of certain of said shares, and did allot and direct that the said defendant (Mary Lorena Cronkright) now Mary Lorena Kronberg, to whom the share marked number
on said map was allotted, should pay the sum of two hundred dollars to equalize said partition, and that the 20
same should be paid as follows, viz.: Forty dollars thereof to said complainant, Ellen Alleviel Haulenbeck, and the further sum of forty dollars to each of the said defendants, Elizabeth Berry Cronkright, William Cronkright, Margaret A. Cronkright, wife of Henry Clay Cronkright, and Frances Cronkright (now Frances Weller.) And it appearing that exceptions were filed to said report by said Elizabeth Berry Cronkright, infant, and the same having been heard before the Honorable Theodore Runyon, it was, upon motion to quash 30
and suppress the return of said commissioners, decided by said Chancellor, by his decision on file in the clerk's office of this court, that "there is no just cause of complaint in regard to the partition, except as to the division of the triangular piece of land which is in dimensions one hundred and eighty feet on the base line on Bergen turnpike, and one hundred and eighty-six feet, and two hundred and twenty-seven feet and five inches

on the other two sides; that the division of this triangular piece, as made by said commissioners, is destructive of the infant's interest therein and of the value of the thing divided; and that the said commissioners having disregarded the rights of the parties, and proceeded on a wrong principle as to the said triangular piece, the return will be quashed and a new commission will be issued to other commissioners," as by reference to said decision of said Chancellor will fully appear.

- 10 And whereas, it appears that no decree was ever entered, quashing said return and appointing new commissioners, and that afterwards, to wit, on the tenth day of December, eighteen hundred and seventy-seven, Ellen Alleval Haulenbeck, one of the complainants in said cause, presented her petition to this court, and therein, among other things, after representing that it would be to the best interests of all the parties in said partition, as well said infant defendant as the other defendants therein, that said partition be confirmed, and prayed
- 20 that an order to show cause be granted why there should not be a rehearing as to the confirmation of said report of said commissioners, and why an order should not be made confirming said report, upon the payment of such amount as the Chancellor might fix for owelty or equality of partition to said infant defendant, or why such further or other order in the premises should not be made as to the Chancellor might seem meet and proper, and the parties might be in justice and equity entitled, as by reference to said petition will fully appear; and
- 30 it appearing that an order to show cause, as prayed for in said petition, was granted, and that the same was duly served upon the parties in interest, and that, upon the tenth day of December, eighteen hundred and seventy-seven, an order was made in said cause, in the presence and by the consent of all said parties in interest, or their solicitors or counsel, referring the said report and return of said commissioners to Washington B. Williams, one

of the special masters of this court, to ascertain and report what amount should be paid to said Elizabeth Berry Cronkright, said infant defendant, to compensate her for the interest or share apportioned and set off to her in said triangular piece; and it further appearing that said master did, on the nineteenth day of July, eighteen hundred and seventy-eight, duly make his report, and did therein, among other things, report as the net value of the said infant's interest in the said triangular piece of land, to be paid under said petition, the 10
sum of one hundred and fifty-five dollars and thirty-nine cents, and that said report was, on the seventeenth day of February, eighteen hundred and seventy-nine, by an order of this court, in all things ratified and confirmed, and said commissioners' return, and said petition and report, and the proceedings therein, having been read and considered, and it appearing that, upon the payment of said sum of one hundred and fifty-five dollars and thirty-nine cents to said Elizabeth Berry Cronkright, said infant will be compensated for her interest in 20
said triangular piece, and said partition will be thereby equalized, and that it is to the best interest of said infant and of all said other parties in said partition, that said return of said commissioners and said partition should be ratified and confirmed, upon the payment of said sum to said infant defendant.

And no cause appearing to the contrary: It is thereupon, on this second day of June, eighteen hundred and eighty, by his Honor, Theodore Runyon, Chancellor of the State of New Jersey, ordered, adjudged and decreed 30
that the said report of the said commissioners (excepting as to that part or portion of said triangular piece set off and allotted in said report to said infant defendant) do stand ratified and confirmed.

And it is further ordered, adjudged and decreed that, in order to equalize said partition, said complainant, Ellen Alleviel Haulenbeck, and said defendants, William

Cronkright, Mary Lorena Cronkright (now Mary Lorena Kronberg), Frances Cronkright (now Frances Weller) and Margaret A. Cronkright, do pay to said Elizabeth Berry Cronkright, said infant, to compensate her for her interest in said triangular piece, the sum of one hundred and fifty-five dollars and thirty-nine cents, the same to be paid by said complainant and defendants equally, in equal amounts of thirty-one dollars and eight cents each person, and that said several amounts be a lien upon the
10 share of each of said persons until paid, and that the said Elizabeth Berry Cronkright have leave to apply to this court, in this suit, for aid in collecting the same.

And it is further ordered, adjudged, and decreed that all that part or portion of said triangular piece set off and allotted by said commissioners in their said report to said Elizabeth Berry Cronkright, and known and described as follows, viz.:

20 “*Sixth.* All that tract or parcel of land and premises hereinafter particularly described, situate, lying, and being in the township of Ridgefield, in the county of Bergen, and State of New Jersey, and which on a certain map numbered two, entitled map of the estate of James Cronkright, deceased, Bergen county, New Jersey, surveyed by William Williams, engineer, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, is laid down, numbered, and distinguished on Block F as lot number six: Beginning at a point in the northwesterly corner of the said lot and southwest corner of lot number five, allotted to William
30 Cronkright, and in the easterly line of the Bergen turnpike road; thence from said point of beginning (1) easterly, along the line of the said lot number five, one hundred and eighty-two feet, to a point in the line of lands of Peter Hall and Thomas Herring; thence (2) westerly, along the line of land of the said Thomas Herring, one hundred and eighty-six feet, to the easterly line of the Bergen turnpike road; thence (3) northerly, along the

easterly line of the same thirty feet, to the point of beginning, said lot being a triangular lot of thirty feet front; bounded northerly by lot number five, allotted to William Conkright; southerly by land of Thomas Herring; easterly by a point in the line of lands of Peter Hall and Thomas Herring, and westerly by the Bergen turnpike road," and all the right, title, and interest of said Elizabeth Berry Cronkright therein, do belong to said complainant Ellen Alleviel Haulenbeck, and said defendants William Cronkright, Mary Lorena Cronkright (now Mary Lorena Kronberg), Frances Cronkright (now Frances Weller), and Margaret A. Cronkright, and that the said complainant and said defendants do have, hold, use, occupy, possess, and enjoy the same in severalty, all of said shares, and said portion of said triangular piece, however, to be held by the several parties, subject to the right of dower therein of the said Elizabeth Cronkright.

And it is further ordered, adjudged, and decreed, that the said partition so as aforesaid made, stand, and be 20 held firm, valid and effectual forever.

And it is further ordered, adjudged and decreed that the several other parties to this suit, among whom partition has been made, do forthwith mutually release to each other, by deed in fee simple, the parts or parcels hereby allotted and partitioned to them respectively, and that in executing each of said deeds all the parties to this suit shall join, except the party to whom such deed shall be executed, and his or her wife or husband.

And it is further ordered, adjudged and decreed that 30 the said defendant, Mary Lorena Cronkright (now Mary Lorena Kronberg), do pay the sum of two hundred dollars to equalize said partition, and that the same be paid as follows: Forty dollars thereof to the said complainant, Ellen Alleviel Haulenbeck, and the further sum of forty dollars to each of the said defendants, Elizabeth Berry Cronkright, William Cronkright, Margaret A. Cronkright (wife of Henry Clay Cronkright,) and Fran-

ces Cronkright (now Frances Weller), which said sum of two hundred dollars is hereby declared to be a specific lien upon the share of the said Mary Lorena Cronkright (now Mary Lorena Kronberg), allotted to her as aforesaid.

And it is further ordered, adjudged and decreed that the costs of the complainants to be taxed be apportioned between the complainant, Ellen Alleval Haulenbeck, and the defendants, Elizabeth Berry Cronkright, William Cronkright, Margaret A. Cronkright (wife of Henry Clay Cronkright), Mary Lorena Cronkright (now Mary Lorena Kronberg), and Frances Cronkright (now Frances Weller), according to their respective interests in the premises; and that the amount apportioned to each person be a lien on the share of such person until paid; and that the person or persons to whom the same is payable have leave to apply to this court in this suit for aid in collecting the same.

And it is further ordered that the share of the costs and expenses due from the share of the infant defendant, Elizabeth Berry Cronkright, be, and it is hereby declared to be a lien on her share, as aforesaid, and payable by the general guardian of said infant defendant out of the rents and profits of such share, or out of any other moneys that may come to the hands of such guardian, belonging to the said infant.

And it is further ordered that, in taxing the costs of this partition, there be allowed to the commissioners, as an extra allowance, thirty dollars each.

We, the undersigned, do hereby consent that the foregoing decree be granted and entered, reserving, however, the right to be heard on any application that may be made for extra allowance.

Dated May 24th, 1880.

MARY L. KRONBERG,
MARGARET A. CRONKRIGHT,
H. C. CRONKRIGHT,
FRANCES WELLER.

In presence of

WM. KRONBERG.

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State of New Jersey, Hudson county, ss.—William Kronberg being duly sworn according to law, upon his oath deposeth and saith that he saw the above-named persons sign the above consent, and that the said signatures are the signatures of said parties.

WM. KRONBERG.

Taken, sworn to and subscribed before me, this 25th day of May, A. D. 1880.

MALCOLM W. NIVEN, *M. C.*

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I hereby consent to the making and entry of the foregoing decree.

Dated May 28th, 1880.

ELIZABETH CRONKRIGHT,
ELIZABETH BERRY CRONKRIGHT,
By Elizabeth Cronkright, Guardian ad Litem.

State of New Jersey, Hudson county, ss.—John W. Smith being duly sworn according to law, upon his oath deposeth and saith that he saw the above-named Elizabeth Cronkright sign the above consent in her own right and as guardian *ad litem* of Elizabeth Berry Cronkright, and that said signature is the signature of said Elizabeth Cronkright.

J. W. SMITH.

Taken, sworn to, and subscribed before me, this 28th day of May, A. D. 1880.

FRED'K V. OGDEN, M. C.

Petition of Appeal.

[Filed June 21, 1881.]

To the Honorable the Court of Errors and Appeals in the last resort in all causes of law :

The petition of William Cronkright, Elizabeth Cronkright and Barker Gummere, guardian *ad litem* of Elizabeth Berry Cronkright, an infant, the appellants in the
 10 above-stated cause, respectfully shows that your petitioners find themselves aggrieved by a certain decree made in the Court of Chancery by Theodore Runyon, Chancellor of New Jersey, in a certain cause wherein Peter Haulenbeck and Ellen A., his wife, are complainants, and William Cronkright and Matilda, his wife, Henry C. Cronkright and Margaret A., his wife, Mary L. Cronkright, Frances Cronkright, Elizabeth Cronkright, Elizabeth B. Cronkright, an infant, James Hastell,
 20 Charles D. Pratt, and Jared Tracy are defendants, under date of November seventeenth, eighteen hundred and seventy-nine, in this respect, to wit, that said decree adjudges that William Williams is entitled to the sum of five hundred and thirteen dollars, with interest thereon from November first, eighteen hundred and seventy-three, amounting in the whole to the sum of seven hundred and forty-eight dollars and forty-six cents, for alleged services in surveying and making maps for the commissioners; and they find themselves aggrieved by a
 30 decree made in said cause by said Chancellor, under date of October eighteen hundred and eighty, filed

November twenty-third, eighteen hundred and eighty, which decrees that said sum of five hundred and thirteen dollars has been adjudicated upon and fixed in the first decree above referred to, and orders that said sum, with interest from November first, eighteen hundred and seventy-three, and the costs of said William Williams, taxed at forty-six dollars and twenty six cents, be taxed by the clerk of said court in the taxed bill of costs in said cause as a part of the costs in partition, and orders and decrees that said claim of William Williams, with interest and 10 costs, be apportioned among the complanants and defendants, the tenants in common, according to their respective interests in the premises, and that the amount apportioned to each person be a lien on the share of each person until paid, and that the person to whom the same is made payable and said William Williams have leave to apply to said court without further notice, for aid in collecting the same; and they find themselves aggrieved by all that part of the final decree in said cause, made by said Chancellor on June second, eighteen hun- 20 dred and eighty, which orders that in taxing the costs of that partition, there be allowed to the commissioners, as an extra allowance, thirty dollars each.

And your petitioners appeal from the said decrees of the Chancellor on the ground that the same are erroneous; that the first two decrees aforesaid are without warrant of law, and contrary to law and equity, and that said final decree in the said part appealed from, is contrary to law and equity, and no such allowance ought to have been made to the said commissioners, whose will- 30 fully illegal and destructive proceedings in the premises did cast upon the parties interested in the said lands large sacrifice and expense.

Your petitioners therefore pray that said decrees of said Chancellor may be, in the particulars aforesaid, reversed, set aside, and for nothing holden; and that your

petitioners may have such relief in the premises as to this honorable court shall seem meet.

Dated June 21st, 1881.

CHAS. H. VOORHIS,
Solicitor of and of Counsel with Appellants.

Answer to Petition of Appeal.

[Filed July 14, 1881.]

The answer of William Williams, respondent to the petition of appeal of the above-named appellants.

- 10 This respondent not acknowledging all or any of the matters which in the said petition of appeal are contained, to be true, for answer thereto, nevertheless, says and admits that certain decrees were made and entered in the Court of Chancery, in the cause for that purpose mentioned in the said petition, as is therein stated, but as to the substance and form thereof, this respondent prays to refer thereto when the same shall be produced. And this respondent is advised and believes that the said decrees are agreeable to equity, and he prays that the same
20 may be affirmed, with costs to be adjudged to this respondent.

ACKERSON & VAN VALEN,
Solicitors and of Counsel with Respondent.