

Deed, Joseph Fugate to Jacob Harrell, 18 November 1815

Wythe County Deed Book 7, pp. 57-58, Wythe County, Virginia

J. Fugate
to
J. Harrell &
F. Clark dec'd
in Trust

Recorded 10 June 1817

This Indenture made this Eighteenth day of November in the year of Christ, One thousand eight hundred and fifteen Between Joseph Fugate of the County of Wythe and State of Virginia of the one part and Jacob Harrell of the County & State aforesaid of the other part, whereas the said Joseph Fugate is Indebted to Fugate Clark of the County and State aforesaid the just sum of Five hundred and twenty seven Dollars by notes bearing intrest from the April and May 1814 the payment of which the said Joseph Fugate being willing & desirous effectually to assure and secure to the said Fugate Clark this Indenture therefore Witnesseth that the said Joseph Fugate as will in consideration of the premises aforesaid as of one Dollar to him in hand paid by the said Jacob Harrell the receipt whereof the said Joseph Fugate doth hereby acknowledge hath given granted bargained sold by these presents doth grant Bargain & sale Joseph Fugate undivided moiety of the real estate of Randolph Fugate deceased lying and being in the County of Wythe on the waters of New River to have & to hold he said undivided moiety of the sail Estate unto him the said Jacob Harrell and his Heirs and assigns and to their proper use and behoof forever ___ In Trust nevertheless that if the said Joseph Fugate his heirs executors or administrators or ither of them shall on or before the first day of January 1818 well and truly pay or cause to be paid unto the said Fugate Clark the said sum of Two hundred and twenty Eight Dollars with legal Intrust from the April and May 1814 as stipulated in the said notes together with all cost for executing & Recording this Trust then this Indenture and every thing herein contained is to become void ___ but if the said sum of Two hundred and Twenty Eight Dollars and Intrust is not paid on or before the s'd first day of January 1818 together with all costs of recording & executing this or any part theirot shall remain unpaid then the said Jacob Harrell his heirs or assigns shall and may sell and dispose of the said undivided Moiety of real Estate afore for the best price that can be had for the same in ready money at Public sale in the Town of Evansham in the County of Wythe previous notice of sutch sale haveing given in writing to the said Clark or advertised in some pubic newspaper for three Months, advertisement to be set on the Court house door for the spase of one Month of said County to such sale and the proceeds of such sale after paying there out all costs attending the same, to be applied towards the discharge and payment of the said Joseph Fugate his heirs and the said Jacob Harrell do covenant that he will faithfully execute the trust here reposed in him ___ In witness where of we have here at set our hands and seals the date before written.

Signed & acknowledged in presense of }

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Thomas Jones

Joseph Fugate {Seal}

William Harrell

Jacob Harrell {Seal}

Reubin Harrell

At a Court of Quarterly Session held for the County of Wythe at the Court house on Tuesday the 10th day of June 1817.

This Indenture of Bargain & Sale in Trust from Joseph Fugate to Jacob Harrell acknowledged by the said Jacob Harrell, & proved as to Joseph Fugate by Thomas Jones & William Harrell two of the witnesses thereto & continued for further proof.