

**Deed, Joseph Davis and Jacob Harrell to David McComas,
10 November 1825**

Wythe County Deed Book 10, pp. 185-187, Wythe County, Virginia

Davis & Harrell
To } Trust Deed
D. McComas
for Henry Hoppess, Jr.
Ex'd

Recorded 10 November 1825

This Indenture made the tenth day of November in the year of our Lord One thousand eight hundred and twenty five Between Joseph Davis & Jacob Harrell both of the county of Wythe and State of Virginia of the one part and David McComas of the same county & state of its other part Witnesseth that whereas the Said Joseph Davis & Jacob Harrell are justly indebted to Henry Hoppess Jr. in the just and full sum of Three Hundred and twenty Dollars and eighty four cents as appears by this Bond given and bearing date on this day and payable eight months after date, the payment of which with the interest thereafter and being the said Davis & Harrell are willing and desirous effectually to assure to secure to the said Henry Hoppess Jr. This Indenture thereafter witnesseth that the said Joseph Davis & Jacob Harrell as well in consideration of the premises aforesaid is of one dollar to them in hand paid by the said David McComas the receipt whereof is hereby acknowledged they the said Joseph Davis & Jacob Harrell have granted bargained & sold and by these presents do grant bargain & sell unto the said David McComas a certain Lot or parcel of land belonging to the said Joseph Davis lying and being in the town of Evansham in the County of Wythe known in the plan of Said Town as Number fifty five on the north west side of main street and being the south west from the cross Street containing One Half acre being five poles in front on the Main Street and running back Sixteen poles being the same conveyed by the Trustees of said town to John Reddick and by an order of the Superior Court of Chancery holden at Wythe Court house directed to be conveyed by the Marshal of said court to the said Joseph Davis also Twenty five acres of land the property of the said Joseph Davis lying on the north side of Reed Creek to join on said Creek and adjoin the lands of John T Holland and include the Land & appurtenances in the possession at this time of Thomas Moore—also Twenty Six acres and thirty One poles of Land the property of Jacob Harrell lying on its south side of Reed Creek and adjoining the Land of Joseph Davis, Henry Hufford &c and being the same on which the said Jacob Harrell at this time resides with his appurtenances: To have and to hold, the said Lot, tracts or parcel of Land with this the said David McComas and his Heirs, to the sole use and behoof of the said David McComas and his Heirs, and the said Joseph Davis & Jacob Harrell for themselves and their Heirs the said Lot, Tracts or parcels of Land with their appurtenances to the said David McComas and his Heirs against the claim of themselves the said Joseph Davis & Jacob Harrell and their heirs and all other persons whomsoever, shall will and do, by theses presents warrant and forever defend: In Trust nevertheless that if the Said Joseph Davis & Jacob Harrell their Heirs, Executors or

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administrators do and shall well and truly pay or cause to be paid to the said Henry Hoppess Jr. his heirs or assigns, the said sum of Three Hundred and twenty dollars and eighty four cents on or before the tenth day of September on which together with the expenses of drawing and recording this Indenture then and in that case, this Indenture and every thing herein contained shall become void and of no effect. But if the said Joseph Davis & Jacob Harrell shall fail to pay the said sum of money or any part thereof on or before the tenth day of September next then it shall be lawful for the said David McComas and full power and authority is hereby given him to proceed to sell the said Lot, tract or parcel of Land with their appurtenances, so soon after the said tenth day of September next as he may be requested by the said Henry Hoppess Jr. at public auction for ready money to the highest bidder at the front door of the Court house of Wythe County as previously advertised the time and place of sale at least one month by posting a notice thereof at the front door of the Court house on some Court day, and the proceeds of such sale after paying therewith all the expenses attending the execution of this trust including a commission of six percent on the amount of sale to the said David McComas Trustee for his trouble in executing the same shall be applied by the said David McComas toward the discharge and payment to the said Henry Hoppess Jr. of the aforesaid sum of Three Hundred and Twelve Dollars and eighty four cents with interest or so much of the said sum with interest as may remain unpaid. And in further Trust that until such Sale shall be made it shall be lawful for the said Joseph Davis & Jacob Harrell and their heirs to hold and to occupy the said granted Lot & Tract of land and premises and to take and receive the rents Issues and profits thereof their and their own proper use and benefit, and also that the said Joseph Davis & Jacob Harrell and their Heirs Executors and Administrators will pay and discharge all Taxes, impositions, assessments, and other charges whatsoever which may or shall become chargeable thereon during their possession thereof, and the said David McComas doth covenant on his part that he will faithfully execute the trust hereby reposed in him In Testimony whereof the parties hereunto have to these presents have set their hand and affixed their seals the day and year first in this Indenture written.

Signed, sealed & acknowledged }

Joseph (his X mark) Davis {Seal}

In presence of

Jacob Harrell {Seal}

David McComas {Seal}

A.B. The following ??? before signing "just" in the sixth line the interest thereafter occurring the said Davis & Harrell are in the ninth line "Tracts" "their" in the twenty eighth line "Their" in the thirty first line "Eighty four cents" in the thirty sixth line "Recording" in the thirty seventh or last line on the first page "of Land" in the fourteenth line second page — "& twelve" in the twelfth line second page — "his" in the thirty second line first page.

Joseph (his X mark) Davis {Seal}

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Jacob Harrell {Seal}

David McComas {Seal}

Virginia,

At a court continued and held for Wythe County the 10th day of November 1825. The Deed in trust between Joseph Davis & Jacob Harrell of the one part and David McComas of the other part was acknowledged in Court by the said parties as their act and Deed and Ordered to be Recorded.

Test, J. P. Mathews CI

Margin notes: Del'd McComas, 22nd Nov 1830, A. B. Moore DC