

Deed, Reuben Harrell to James Davis, 28 July 1827

Wythe County Deed Book 10, pp. 567-568, Wythe County, Virginia

Reuben Harrell
To } Trust Deed
James Davis

Recorded 14 August 1827

This Indenture made this 28th day of July in the year of Christ 1827 Between Reuben Harrell of the one part and James Davis of the other part Both of Wythe County Virginia. Whereas the said Reuben Harrell is justly indebted Joseph Stephens of said County in the sum of two hundred and seventeen Dollars & thirty five cents as will fully appear by his notes this day executed to the said Joseph Stephens & payable twelve months after date the payment of which sum to the said Joseph Stephens the said Reuben Harrell is willing effectually to secure. Now this Indenture witnesseth that the said Reuben Harrell as well in consideration of the premises as of one Dollar to him in hand paid by the said James Davis the receipt of which he doth hereby acknowledge he hath given granted bargained and sold and by these presents doth give grant bargain and sell to the said James Davis a certain parcel or tract of Land containing Two hundred & Sixty Seven acres lying on a branch of new river, Being the Same on which the said Reuben now resides & the same granted to William Harrell the Father of said Reuben as assee of Isaac Runnion assee of Frederick Edwards who was assignee of James Newell by patent bearing date the 10 day of July 1784 and devised to the said Reuben by the last will and Testament of his father the said William excepting out of said tract about nine acres parts thereof to wit about Eight acres sold by said William in his life time to Henry Honaker and which Thomas Galbreath at present owns of an which he resides, and one acre given by said William to trustees as a Site for a meeting house with its appurtenances to have and to hold the said tract of Land except as before excepted with its appurtenances to the said James Davis and his heirs forever free from the claims of him the said Reuben his heirs and all persons whatever, upon trust nevertheless that if the Said Reuben his heirs &c Shall on or before the expiration of twelve months from this time pay to the Said Joseph Stephens the full sum of \$217 together with the costs of drawing & Recording this Indenture, then this Indenture and every thing therein contained shall become void, But on this further trust that if the said Reuben Harrell his heirs &c shall fail on or before the expiration of Twelve months from this time to pay to the said Joseph Stephens his heirs &c the said sum of money or any part thereof that may remain unpaid then full power is hereby given to the said James Davis upon being requested by the said Joseph Stephens to proceed to Sell on the premisis the Land aforesaid to the highest for ready money he having previously advertised the time & place of Sale at least forty days previous thereto by written advertisement posted at the front door of the court house of Wythe County and at some publick place in the neighborhood of said land and out of the proceeds of such sale after paying all costs of drawing and recording this Indenture expences of sale retaining a commission of five per cent on the amts of Sale to himself as a compensation for his trouble as trustee pay to the said Joseph Stephens the said Sum of money as any part thereof that

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may remain unpaid, together with any interest that may be due thereon on and the Balance of any pay over to the Said Reuben his heirs &c And it is expressly agreed that the said Land is to remain in the possession of Said Reuben until a Sale (if any under this deed) take place be paying all taxes which may be charged thereon and the Said James doth bind himself to faithfully execute the trust hereby reposed in him in Testimony whereof the said Reuben Harrell & James Davis have hereunto Subscribed their names and affixed their Seals this Day & year first herein written.

Reuben Harrell {Seal}

James Davis {Seal}

Wythe County to Wit,

We Joseph Montgomery & Randolph Fugate Justices of the peace in the County aforesaid in the State of Virginia do hereby certify that Reuben County aforesaid in the State of Virginia do hereby certify that Reuben Harrell & James Davis parties to a certain Deed bearing date on the 28th Day of July 1827 and hereunto annexed, personale appeared before us in our County aforesaid, and acknowledged the same to be his act and Deed and desired us to certify the said acknowledgement to the Clerk of the County Court of Wythe in order that the said deed may be recorded given under our hands and seals this 14th day of August 1827.

Joseph Montgomery {Seal}

Randolph Fugate {Seal}

Virginia

At a Court held for Wythe County on Tuesday the 14th day of August 1827

This Deed in trust between Reuben Harrell of the one part & James Davis of the other part with a certificate of the acknowledgement of the said Harrell & Davis annexed was returned to court & ordered to be recorded.

Teste

J. P. Mathews Cl.

Margin notes: Delivered to James Davis 11th August 1828, LR Miller DC