

(328)

(32)  
Spencer  
to  
Cutler  
Witness to  
W. M. Cutler  
at 1824

This Indenture made this 3 day of December A.D. 1824 between William Spencer Son of the County of Adams State of New York and William Cutler of the County of Adams State of New York and Bennett K. Whitfield of the third part witnesseth that whereas the said William Spencer stands justly indebted to the said William Cutler by writing obligatory given under his hand and seal bearing date from these presents in the sum of fifty five dollars with lawful interest from the within date until paid and whereas the said William Spencer and William Cutler has conveyed in trust to the said Bennett K. Whitfield for the benefit of the said William Cutler under the said writing obligatory should be paid punctually when and how the said Indenture therefore witnesseth that the said William Spencer for and in consideration of the property and the further consideration of the sum of one dollar to him in hand paid by the said William Cutler has hereunto subscribed and sealed his hand and confirmed and by these presents doth himself his heirs Executors and assigns grant bargain sell alien make over and confirm unto the said Bennett K. Whitfield to him his heirs Executors and assigns the following parcel of property (to wit) 2 Leather Beds 2 furmish 2 Deer Chais 6 Sitting chairs 6 Earthen plates 1 dish 2 bowls white mug 6 cups and saucers 2 Iron pots 1 Skillet 1 frying pan 1 pair of fire tongs 6 Spoons 6 knives and forks 1 washing tub one mowing 2 water pails 2 cutting axes 3 iron hoes 1 pin table 1 old barrel 1 flat Iron 2 little trunks 6 sheets 1 coffee mill 2 spinning wheels 2 pair cotton cards 1 loom 1 harness 1 single sheep 1 dog 1 black stock and ten barrels of corn. Do have and to hold the within named property unto him the said Bennett K. Whitfield his heirs and assigns in trust and upon this express proviso that if the said William Spencer his heirs and assigns shall punctually pay or caused to be paid unto the said William Cutler at his house the aforesaid sum of fifty five dollars when as aforesaid then the said William Cutler shall execute proper and legal release for the property hereby conveyed but it is agreed upon by the parties and declared to be the true intent and meaning of the parties to these presents and the said Bennett K. Whitfield covenants and agrees with the other parties hereto covenanted that in case the said William Spencer his heirs and assigns shall fail to make payment of the debt and interest as aforesaid agreeable to the tenor of the writing obligatory aforesaid that then the said Bennett K. Whitfield his heirs and assigns shall at any time after giving ten days notice sell at public vendue the premises where the said William Spencer lives the aforesaid property or so much as will be sufficient to discharge the debt and interest or what may then be due together with the expenses arising from the sale and all other reasonable charges hereof and shall pay the monies arising from such sale to the said William Cutler his or assigns or so much as he and his assigns are owing and after satisfying the debt as aforesaid shall give the surplus monies to the said William Spencer or to his assigns In witness whereof the parties have hereunto set their hands with their seals annexed the day above written

Signed Sealed and delivered  
 in the presence of  
 Joseph Byrum  
 Levi Furgason  
 Matt Spencer  
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Uffelliana <sup>for</sup> Spencer <sup>and</sup>  
 Williams <sup>with</sup> McCallister <sup>and</sup>  
 Remond <sup>and</sup> Whitfield <sup>and</sup>

gentleman's County In the Clerk's Office 25<sup>th</sup> January 1828. This Indenture was made by William Spence and admitted to record and at a court held for the County aforesaid the 17<sup>th</sup> February 1828 the said Indenture was entered upon the proceedings of the day.

Teste James Rochdale Clerk