

Southampton County In The clerks Office The 17th day of June 1839
This deed of Gift from Elizabeth Himes to James Council was this day returned and together
with The certificate annexed admitted to Record

Teste L. R. Council

This Indenture made this 2nd day of December in the year of our Lord one thousand eight hundred and thirty eight. Between Elizabeth B Hobbs of the County of Southampton and State of Virginia of the first part. Levi C Waller of the same County and State of the second part and Mathew J Peters and Nicholas Love both of the County of Sussex of the third part: Whereas a marriage is shortly to be had and solemnized between the said Levi C Waller and Elizabeth B Hobbs and whereas the said Elizabeth is possessed of and entitled to personal property of considerable value consisting of the following negro slaves to wit Yarn Nicholas William Benjamin Phillis Henry & Adeline Mary; also two beds and furniture & a set of tea & table spoons. And whereas it has been agreed by and between the said Elizabeth B Hobbs and the said Levi C Waller that the said property shall be vested in trustees to be held by them in trust, in the manner and for the purposes herein after mentioned and declared. Now this Indenture witnesseth that the said Elizabeth B Hobbs for and in consideration of the premises and for the further consideration of five dollars to have and paid, at or before the sealing and delivery of these presents by the said Mathew J Peters & Nicholas Love the receipt whereof is hereby acknowledged and by and with the privity and consent and agreement of the said Levi C Waller Testify by his being a party to these presents hath granted bargained and sold assigned transferred and delivered, and doth by these presents grant bargain and sell assign transfer and deliver unto the said Mathew J Peters and Nicholas Love their executors administrators and assigns all the above property herein specified. To have and to hold the same and for the trust and purposes following. That is to say in trust for the said Elizabeth and her assigns, until the solemnization of the said intended marriage. Then upon trust that the said M. J. Peters and N. Love their executors administrators and assigns shall and will permit the said Levi C Waller during the joint lives of himself and the said Elizabeth his intended wife to take and hold the negroes beds furniture and spoons and the interest and profits and interest of the said property to and for the joint use and benefit of the said Levi C Waller and Elizabeth and support of the issue of the intended marriage, and from and after the death of both of them the said Mathew J Peters and Nicholas Love their executors administrators and assigns shall and will permit the survivor of the said Levi C Waller and Elizabeth to receive and take all such issues profits and interest to and for the use benefit and support of such survivor and to and for the support maintenance and education of the issue of said intended marriage for and during the life of such survivor and that immediately after the death of such survivor of the said Levi C Waller and Elizabeth that the said Mathew J Peters & Nicholas Love their executors administrators and assigns shall and will convey assign set over and pay to the issue of said intended marriage the whole of the above described property together with its increase or such part thereof as shall then remain in the following manner. That is to say, if there be children of the said intended marriage then living to the said children in equal portions but if no child or children should be born then to the child or children or their descendants of such deceased child or children such portion as such deceased child or children would have been entitled to if he or she were then living and in default of such issue of said intended marriage living at the time of the death of either of the parties between whom the said marriage is contemplated then the said Mathew J Peters & Nicholas Love their executors administrators and assigns shall and will convey assign transfer and pay to the survivor of them the whole of the said property that may remain, and if at any time after the death of one of the parties and during the lifetime of the survivor of them all the issue of the intended marriage should become extinct that then the said Mathew J Peters & N. Love their executors administrators & assigns shall and will convey assign and pay the whole of the said property that may remain to the said