

Commissary
of
Court

James

This Indenture made and entered into the 15th day of December 1725 between
Edwards Butts Commissary of the one part, and John S Powell of the other part, abated
by a decree of the County Court of Southampton made at the October Term 1725 in a
suit there pending between James Carver & others plaintiffs against Peter Edwards & others
defendants it was decreed & ordered that Edwards Butts who is appointed a Commissary
for that purpose after advertising the time & place of sale for and to the best of his advantage at
the Court house door on some Court day, and at two or three places in the neighbourhood of
the tract till to the highest bidder at Barnaken on some Court day in a credit of twelve
months except such sufficient to defray the expenses of the sale and of this suit, the
land of which Carver & others were seized lying in the County of Southampton and
containing 100 acres more or less And whereas the said Edwards Butts Commissary in
obedience after having given the notice the decree aforesaid required did on the 15th day of
December 1725 being Southampton Court day sell to the highest bidder on Barnaken the
tract of land of which Carver & others were seized lying in the County of Southampton
containing four hundred acres more or less and at the same to make the said John Powell
became the purchaser of the said tract, of land he bidding therefor the same of four
hundred dollars and 35 cents which was the highest bid made for the same And whereas
the Indenture witnesseth that the said Edwards Butts Commissary as aforesaid for and
in consideration of the premises and of the said sum of four hundred dollars and 35 cents
a part of which sufficient to defray the expenses of the sale and of the suit being paid in
cash and the balance secured by bond with good security both granted assigned & sold
and by three private depositions signed into the said John Powell his heirs and
assigns the land of which Carver & others were seized lying in the County of Southampton
and containing four hundred acres more or less bounded as believed as follows on the
west by the lands of Peter W. Smith and on the north by the lands of John W. Smith
and the south by Peter Edwards (There is a small portion detached from the main
tract to Wadell and to Wadell the premises above conveyed and have the said John S
Powell his heirs assigns power and the said Butts hereby covenants to make the said John S
Powell that he will warrant and save against the tract of land herebefore conveyed unto
him the said John S Powell his heirs and assigns against the claim title or demand of them
the said Edwards Butts and those claiming by through or under him but against the claim
title or demand of no other person or persons whatsoever (Said witnesses who signed the said
Butts his hands set his hand and affixed his seal the day & year aforesaid
signed sealed & delivered

Edm^d Butts (Seal)

Not pronounced

Southampton County On the 15th day of December 1725
This deed of Bargain and sale joint Commissary's John S Powell was acknowledged
by said Commissary and admitted to Record

John S Powell Clerk

Managers Whitefield Dist in account with Jacob Barrow

To p^r your Receipts Thanks are you obliged for Receipt
17 " But not sent from payment to Nov 25/1725
" p^r Receipt for your as you directed I sold to
" But not p^r payment to Nov 25/1725
1725
" If Whitefield
you that is the 17th Nov for \$1000
Sept 9th 1725 but then to Nov 25/1725

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