

Smith
to F. S.
Smith's trustee

This Indenture made this 28th day of October in the name of our Lord in thousand eight hundred and fifty, between Henning T. Smith of the County of Southampton State of Virginia of the first part, Edwin Smith of the County of Hanover State of Virginia of the second part, and Sarah J. Smith of the last mentioned County and State of the third part. Whereas the said Henning T. Smith is justly indebted to the said Sarah J. Smith as guardian for the orphans of Robert B. Smith dec'd in the sum of three thousand four hundred and eighty eight dollars and ninety six cents, thirteenth thereof to be paid annually, the principal to be paid on the first day of March 1855, or at any time after the death of the said Henning T. Smith. Should said sum come at any earlier period, the said debt due by and to the said Henning T. Smith is willing and desirous to secure. Now this indenture witnesseth that for and in consideration of the premises and also for the further consideration of one dollar to the said Henning T. Smith in hand paid by the said Edwin Smith at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, he the said Henning T. Smith hath given, granted, bargained, sold, aliened, conveyed, released and confirmed and by these presents doth give, grant, bargain, sell, alien, convey, release and assign to the said Edwin Smith his heirs, executors, administrators and assigns forever the following negro slaves, viz: Man Andrew, boy Littleton, boy Chasman, boy Nelson, boy Ben, boy Miles, and boy Harry said negro slaves being the most of their time on the plantation of the said Henning T. Smith in the County of Gates State of North Carolina. To have and to hold the said hereby granted negro slaves unto the said Edwin Smith, his heirs, executors, administrators and assigns forever: To the only proper use and behoof of the said Edwin Smith his heirs and assigns and the said Henning T. Smith for himself his heirs and assigns both hereby covenant, promise and agree to and with the said Edwin Smith his heirs and assigns forever in manner and form following, that is to say, that the said Henning T. Smith his heirs and assigns the aforesaid negro slaves unto the said Edwin Smith his heirs and assigns against all persons whatsoever, shall and will warrant and defend by their presents. Upon trust nevertheless, that the said Edwin Smith his heirs and assigns shall permit the said Henning T. Smith to remain in peaceable and quiet possession of the said negro slaves, and take the property thereof to his own use until default be made in the payment of the said sum of three thousand four hundred and eighty eight dollars and ninety six cents either in the whole or in part or in the interest due thereon, if remaining unpaid for the term of twelve months; and then upon this further trust that the said Edwin Smith his heirs and assigns shall and will so soon after the happening of such default of payment, may think proper or the said Sarah J. Smith his heirs and assigns shall request sell the aforesaid negro slaves or so many of the said slaves as he shall think sufficient for the purpose and shall think proper, to sell to the highest bidder for ready money at public auction, after having fixed the time and place of sale at his own discretion and given fifteen days notice thereof in some newspaper published in Virginia - and also notified the same by advertisements near the present residence of the said Henning T. Smith. And out of the moneys arising from such sale, shall after paying the charges thereof, pay to the said Sarah J. Smith, her heirs and assigns the debt above mentioned, with the interest due thereon and the balance if any, shall pay to the said Henning T. Smith his heirs and assigns. And if the whole of the said debt shall be fully paid off to the said Sarah J. Smith, her heirs or assigns within the time specified, so that

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State of
Gates Co

to Edwin
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The within
Indenture
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Southampton
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Edwin Smith
Colonel
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Examined

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Edwin Smith
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of Gates
by a deed
debt for
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said Smith
from Ed
and then
six months
withheld

Southampton
This Deed
Edwin Smith
deced.