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Sutherland, University of Tennessee Deed (April 17, 1869)

A. Henderson

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This Indenture, made and concluded on this the 17th day of April, 1869, between William A. Anderson, Trustee of the first part, and The East Tennessee University of the second part.

Whereas, James A. Armstrong, being the reversionary fee of the lands hereinbefore described, in the City of Knoxville, executed a Deed, in and to which he conveyed the same to [insert party name], to secure payment of a debt due from him to the "Exchange & Deposit Bank of Knoxville" for Fifteen Thousand Dollars ($15,000), and a debt of a certain sum of Five Hundred Dollars ($500), and Interest thereon, from him to his wife, Ann Eliza Armstrong, to be paid in the order in which due; and whereas, on the 26th day of July, 1867, said [insert party name], in accordance with the tenor of said Deed, sold and conveyed said lands to John Baxter, for the sum of Fifteen Thousand Five Hundred Dollars ($15,500), and made him a Hoy, for which stated the Fees which said Baxter, subject alone to the rights of redemption of the State reserved to the said James A. Armstrong, his heirs, assigns, and judgment creditors; and whereas, on the 28th day of March, 1868, said James A. Armstrong, made special power of attorney in favor of the said [insert party name] and in the absence of the same, to said James A. Armstrong, as Trustee in Trust to secure said debt to said Ann Eliza Armstrong, and she, and by said Deed directed the said Anderson to sell the same, and whereas a suit was instituted by Henry M. Akens, as Trustee, in Bankruptcy, of said James A. Armstrong, in the Chancery Court of Knoxville, for the purpose of avoiding said Deed, this Indenture, and enjoining the said
Andrews from selling the land and premises, by a decree of said Court, made at its April term 1869, said injunction was
removed; and the said Andrews authorized to proceed and sell, and convey all the interests mentioned, and to hold
the proceeds of said subject to any order issued that might
be made by said Court in relation thereto; and when so said
Andrews did, it was and is declared (to be accomplished
by said Chriss, on the 10th day of April 1870, a public auction
and before the Court, who approved the description
and legal advertisement, where- and wherein, the "Each
Shives the University, being the holder, will the sum of ten
Thousand dollars, more or less, to be paid in three equal an-
nual installments, with interest thereon, for which three
Provisions for the same, which are considered to be a receipt
for the premises; now the property, consideration of
the premises in the receipt of said (Provisions) the day executed to me, James, and by me to execute with
bargain, sale, mortgage, or conumption. In the name of
Telemachus University, all the heirs, title, and interests un-
encoded by said Andrews to said Shives on the 8th day of
November 1870 acres of land situate, lying, and being in the 5th
(a) seat of the Com. Co., described as follows: Being the same convey to Matthew Mcllween
by the following deed, to wit, convey to said Matthew McIlween,
dated July 31st 1872, and recorded in the Register's Office, First County in Book H., page 486; by Thomas L. Armstrong, by deed dated
January 2nd 1875, and recorded in Book 2, page 486; by
James Shives, by deed dated January 23rd 1878, and re-
corded in Book C. of 1877, page 375; by D. F. Proctor, by deed
dated April 1st 1879, and recorded in Book D., page 89;
by D. W. Armstrong, by deed dated January 11th 1888, and
recorded in Book 1885, page 250, or so much thereof as had not been conveyed by Matthew McElroy during his life, and by Calvin McElroy his executor, to Mr. B. Reese, of being now hereby intended that this deed shall convey the entire interest, of which said Matthew McElroy died seized and possessed, in and to a tract of land lying upon the waters of Third Creek in the County of Knox aforesaid, being the same tract upon which said Matthew McElroy deceased resided, and at the time of his death. And I hereby covenant to warrant and defend this land against myself, my heirs, and all persons claiming the same through or under me; and I hereby covenant and agree that said University may retain the sum of five hundred dollars in their own hands until the litigation respecting the title now pending shall be determined to the end that if it prevails adversely to the title rested in me, the same may be applied to extinguish any judgment that may be recovered, so as to discharge, and, if the University have the title hereby acquired, that.

In witness whereof, I have signed, sealed and delivered this deed on the day and date above written.

[Signature]

W. J. Armstrong

We attest to and ratify the above deed.

[Signature]

Jno. J. Armstrong

[Signature]

Mrs. J. Armstrong

State of Tennessee

Personally appeared before me, in Knox County, J. W. P. Agee, Clerk of the County Court of said county, the within named Bargainor, with whom I am personally acquainted, and who acknowledged that he
Executed the within deeds for the purpose therein contained.

Witness my hand and official seal at my office this 15th day of April 1859.

[Signature]

State of Tennessee
County of Knox

Requisition by

J. C. Heath, C. J.

This was this Deed registered in my Office
In Book No. 3 Page 461 and noted in
New Book A Page 244. Having my name
Employed in Knoxville late above written.

[Signature]