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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.
Henderson Trustee &c. of the first part. and The
East Tennessee University of the second part.

Witnesseth - Whereas James A. Armstrong, being
the owner in fee of the lands hereinafter described
on the 5th of June 1867, executed a Deed, in and by
which he conveyed the same in trust to W. F.
Bailey, to secure payment of a debt due from him to
the "Exchange and Deposit Bank of Knoxville" for
Fifteen Thousand Dollars (\$15,000), and a debt of a
Fort Nine Thousand Dollars (\$9,000) and Interest due
from him to his wife, Ann Eliza Armstrong, to be paid
in the order of his name; and whereas, on the 25th day
of July 1867, said Bailey, in accordance with the terms of
said Deed, sold and conveyed said lands to John Barter,
for the sum of Fifteen Thousand Five Hundred Dollars
(\$15,500) and made him a mortgage therefor, which vested the
fee simple in said Barter, subject alone to the right of re-
demption, which the laws of the State reserved to the said Jas.
A. Armstrong, his heirs, assignees, and judgement creditors;
and whereas, on the 28th day of March 1868, said Jas. A. Armstrong
made, executed and delivered his Deed, whereby he conveyed all
the right remaining in him to said lands, to the party of the
first part in trust to secure said debt to said Ann Eliza
Armstrong, and in and by said Deed directed the said
Henderson to sell the same; and whereas a suit was institut-
ed by Henry M. Aikin, as Assignee, in Bankruptcy, of said James
A. Armstrong, in the Chancery Court at Knoxville, for the pur-
pose of avoiding said Deed in trust, and enjoining the said

said Court, made at its April term 1869, and by which was dissolved, and the said Chas. Henderson authorized to proceed and sell, and convey all the interest remaining in, and to hold the proceeds of sale, subject to any order or decree that might be made by said Court in relation thereto: and when said Henderson did proceed and sell said land as required by said Decree, on the 10th day of April 1869 at public auction and before the Court House at Knoxville, Tenn. and legal advertisement, when and where the "East Tennessee University" became the purchaser - at the sum of \$10,000.00, to be paid in three equal annual installments, with interest thereon, for which three Promissory Notes have been given, and which were retained by said University as security for the payment thereof. Now, therefore, in consideration of the premises and the receipt of said three Notes this day executed to me, I have, and intend to execute with bargain, sell, assign, convey and warrant to the "East Tennessee University" all the right, title, and interest vested in me by said Decree to the above described and Eighty Five (85) Acres of land, situated, lying, and being in the 1st Civil District of the County of Greene, State of Tennessee, and described as follows: Being the same conveyed to Matthew McCallum by the following deeds, to wit: James C. Clark, by deed dated July 31st 1834, and recorded in Register's Office of this County in Book 4, page 266; by Thomas W. Thomas by deed dated January 26th 1840, and recorded in Book 2, page 306; by Jacob C. Thomas, by deed dated January 23rd 1838, and recorded in Book 1, page 375; by D. P. Armstrong, by deed dated April 1st 1840, and recorded in Book 2, page 88; by D. C. Armstrong, by deed dated January 11th 1838, and

recorded in Book 1838, page 350, or so much thereof as
not been conveyed by Matthew McLung during his
life, and by Calvin McLung executor &c. to Mrs B. Reese.

It being now hereby intended that this deed shall con-
vey the entire interest, of which said Matthew McLung
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 McLung deceased, lived at the time of his
death, And I hereby covenant to warrant and defend
the same against myself, my heirs, and all persons
claiming the same through or under me: and I hereby cov-
enant and agree ~~that~~ said University may retain the pur-
chase money aforesaid, in their own hands until the lit-
igation appertaining the title now pending shall be deter-
mined; to the end, that if it results adversely to the
title vested in me, the same may be applied to ex-
tinguish any judgement that may be recovered, so
as to disencumber and protect the University in the
title hereby acquired thereto.

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

W. Armstrong
Trustee

We assent to and ratify the above deed.

J. W. Armstrong
Ans. G. Armstrong

State of Tennessee } Personally appeared before me
Knox County } 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 deed for the purposes therein con-
tained.

Witness my hand at Office this
15th day of Apr 1869

Wm. Paulding
By



State of Tennessee
County of Henry

Registered by me May 3rd 1869
11 O'clock A.M.

There was this Deed Registered in my Office
in Book J Vol 3 Page 468, and noted in
note Book A Page 244. Witness my hand
at Office in Knoxville State above written
R. F. Hall Jr.

Deed

Wm. F. L. Paulding

Charles

to

Wm. F. L. Paulding

Wm. F. L. Paulding

Witness May 3rd 1869
11 O'clock A.M.

Attest County Clerk
Charles L. Paulding

Reg. Fee \$2.00