

**Deed, DE, Sussex, Cord Hazzard Sheriff to George Truitt et. al. 1785**

Deed **GEORGE TRUITT** and others from **CORD HAZZARD**, Sheriff

To all people to whom these presents shall come oh, **CORD HAZZARD** Esquire, High Sheriff of Sussex County on Delaware, send a greeting. Whereas there is a certain tract or parcel of land situate, lying, and being in Cedar Creek hundred in the county aforesaid called and known by the name of Spittlefield's said to lie in the manor of Worminghurst bounded as follows:

Beginning at a Sassafras post being the dividing corner of this and **BENJAMIN TRUITT**'s Land running from thence south 20 $\frac{1}{4}$  degrees west 183 purchase to a post in **ELIZABETH TRUITT**'s line, thence by said Line North 56 degrees west 57 perches 9 links to a Red Oak of D $^{\circ}$  land; thence North 78 $\frac{1}{2}$  degrees west 92 perches to a steak in **COVERDALE COLE**'s new ground; thence by said **COLE**'s Line North 69 $\frac{1}{2}$  degrees East 59 perches to a Red Oak; North 22 $\frac{1}{2}$  degrees West 84 perches to a corner Red Oak; thence North 5 degrees east for perches to **WALTON**'s Mill Road; thence by said road North 56 $\frac{1}{2}$  degrees east 156 perches; thence North 65 degrees east 24 perches to the fording place by the old school house; thence across Herring run branch South 43 degrees East 10 perches; thence up the set Branch south 18 degrees west 25 perches to a corner Spanish Oak of **ROBERT HOUSTON**'s; tents by said **HOUSTON**'s South 9 degrees east 36 $\frac{1}{2}$  perches to a corner Spanish Oak of D $^{\circ}$  land; tents South 45 $\frac{1}{4}$  degrees east 27 perches home to the beginning.

Containing 160 $\frac{1}{2}$  acres of land surveyed the 16th day of April 1776 by **CALEB CURWITHIN**.

And whereas **LEVIN CRAPPER**, late of Sussex County Esquire, departed in this lifetime recovered a judgment against a certain **BENJAMIN TRUITT** late of the county aforesaid, yeoman, for the sum of £80.14.11 lawful money of the government of the counties of New Castle, Kent, and Sussex on Delaware, debt as also £0.42.06 by money as aforesaid which to the said **LEVIN** was adjudged for his cost and charges by him expended by the occasion of the detention of what debt whereof the said **BENJAMIN TRUITT** was convict, as of record doth appear.

AND WHEREUPON a certain writ of FIERI FACIAS issued out of the Court of Common Pleas for the county of Sussex aforesaid returnable to the first Tuesday 17 in February 1774 directed to **PETER ROBINSON** Esquire, then High Sheriff of the said County, commanding him that the goods and chattels land and tenements of the said **BENJAMIN TRUITT**, within his bailiwick, he should cause to be made and levying the debt and costs aforesaid and that he should have that money before the justices at Lewes at a court of common pleas there to be held the first Tuesday in February then next following to render the said to the said **LEVIN CRAPPER** in satisfaction of his debt and costs the aforesaid at which day the said Sheriff returned that by virtue of the said writ to him directed he had seized and taken in execution a certain tract or parcel of land situated in Cedar Creek hundred in the county aforesaid containing 100 acres, be the same more or less, said to be the estate of the said **BENJAMIN TRUITT**, late deceased, and that he had caused an inquisition there on by to lawful men of his bailiwick who did return and say that the rents, issues, and profits of the lands aforesaid were not sufficient to satisfy the debt and damages in the said writ mentioned within the time limited by law and that the lands remained in his hands unsold for want of buyers so that he could not have the money to render as by the said writ he was commanded and so forth.

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Thereupon one other writ of VENDITIONI EXPONAS issued out of the said Court bearing date the 4th day of February in the year last aforesaid to the said Sheriff directed commanding him that the lands of for said by him in execution taken should be exposed to sell and that he should have the money before the justices at Lewes at a County Court of Common Pleas there to be held the first Tuesday in May then next following two under to the said render to the said **LEVIN CRAPPER** for his debt, damages, and costs aforesaid and that he should have been in there that writ and so forth at which day the said Sheriff, to wit, **PETER ROBINSON** returned that by virtue of what the said writ to him directed he had sold the said lands and premises, after giving public notice of the time and place of sale as the law directs, unto a certain **JOHN TRUITT**, son of **BENJAMIN**, he being the highest and best bidder for the sum of £45 which money he had ready to render as by the said read he was commanded.

AND WHEREAS the said **JOHN TRUITT** after the purchase of the said lands and premises and before any deed or conveyance was made to him or any person or persons in trust for him or to his use died intestate leaving **MARGARET [TRUITT]**, his widow, and issue for children, to wit: **GEORGE [TRUITT]** his only son, **ESTHER, SARAH, and LEAH** to whom the equitable right in the said lands and premises descended and came under the acts of assembly for the better settling intestate Estates in Manner and form following, that is to say, 2/5 Parts thereof to **GEORGE TRUITT** the only son of the said **JOHN TRUITT** and the remaining 3/5 part to **ESTHER [TRUITT], SARAH [TRUITT], and LEAH TRUITT**, Daughters of the said **JOHN TRUITT**, as co-personas subject nevertheless to the thirds or dower of the said **MARGARET** his widow for and during the term of her natural life.

AND WHEREAS the said **JOHN TRUITT** in his lifetime did well and truly pay, satisfy, and discharge unto the said **PETER ROBINSON** the full and entire some of the purchase or consideration money for the lands and premises aforesaid as appears by his acknowledgment herein written and endorsed. And where has the said **PETER ROBINSON** have been since removed from his set office of high Sheriff without having made, or executed, any deed or conveniences to the said **JOHN TRUITT** in his lifetime or to his heirs after his deceased or any other person or persons in trust for him or to his use for the lands and premises above-mentioned, recited, and described as exposed to sale to the said **JOHN TRUITT** as aforesaid by the said **PETER ROBINSON** as by the judgment writs and returns aforesaid may appear.

AND WHEREAS the said **MARGARET TRUITT** before and during the term of her natural life agreeable to an act of the Assembly of the Delaware State entitled "An act for taking lands in an execution for the payment of debts" as also agreeable to the above recited Act of assembly "For the better settling intestate Estates" in such case made and provided.

WHEREUPON it was considered and ordered and decreed by the court that the said Sheriff should make and executed good and sufficient deed or conveyance for the lands and premises of where said in Manner and form following, that is to say:

A 2/5 Parts thereof unto **GEORGE TRUITT** only son of the said **JOHN TRUITT** deceased his heirs and assigns

The remaining 3/5 Parts thereof on to **ESTHER, SARAH, and LEAH TRUITT**, Daughters of the said **JOHN TRUITT**, their heirs and assigns as tenants-in-common subject, none-the-less, to the thirds or dower of **MARGARET** the intestate widow for and during her term of her natural life.

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AS the said **PETER ROBINSON** could or ought to have done by virtue of the writs aforesaid or by the Acts of Assembly aforesaid or by the Judgment with return petitions and orders thereon made remaining of record in the court of common pleas aforesaid at-large reference there in two had met more fully in that large appear.

NOW KNOW YE that the said **CORD HAZZARD**, Esquire, High Sheriff aforesaid for and in consideration of the sum of £45 to the said **PETER ROBINSON** in hand paid by the said John **TRUITT** and his lifetime in consideration to the order and decree of the court aforesaid and in consideration of the further some of the five shillings to the said **CORD HAZZARD** in and paid before the ceiling and delivery thereof by the said **GEORGE**, Esther, Sarah, and Leah **TRUITT** the receipt whereof here is hereby acknowledged by the said **CORD HAZZARD** have granted, bargain, sold, and by these presents the said **CORD HAZZARD** does grant, bargain, and sell all that above-mentioned recited and described tract, peace, or parcel of land called Spittlefield's contained within the metes and bounds aforesaid in manner and form following, that is to say:

2/5 Parts thereof to **GEORGE TRUITT** only son of the said **JOHN TRUITT** deceased, his heirs and assigns the remaining

3/5 Parts thereof to **ESTHER, SARAH, and LEAH TRUITT**, daughters of the said **JOHN TRUITT**, their heirs and assigns as tenants-in-common subject nevertheless to the thirds or dower of **MARGARET**, the widow of the intestate, for and during the term of her natural life.

TOGETHER WITH all and singular the houses, edifices, buildings, improvements, woods, under woods, timber, trees, ways, waters, water courses, rights, members, privileges, advantages, hereditary, and appurtenances whatsoever to the same belonging or in any wise appertaining and the reversions, remainders, rents, issues, and profits thereof and also all the estate, right, title, interest, you use, possession, prophet, property, claim and demand whatsoever which he the aforesaid **BENJAMIN TRUITT** or his heirs had or might or could or ought to have had either in law or equity or otherwise howsoever of, in, and to the lands and premises aforesaid with the appurtenances.

TO HAVE AND TO HOLD the hereby granted and above describe land and premises with all and singular the appurtenances hereby granted or mentioned or in any wise intended so to be unto the said **GEORGE, ESTHER, SARAH, and LEAH TRUITT**, minors and heirs of the said **JOHN TRUITT**, deceased, their heirs and assigns forever in manner and form aforesaid to the only proper use, benefit, and behoof of them the said **GEORGE, ESTHER, SARAH, and LEAH TRUITT** their heirs and assigns forever in such parts, dividends, shares and proportions as therein before mentioned subject nevertheless to the thirds or dower of **MARGARET** the widow of the intestate for and during the term of her natural life was full, entire, quiet, peaceable, ample, absolute, and unlimited a manner as the aforesaid **BENJAMIN TRUITT** was held or as he or his heirs might, or could have held occupied, possessed, or enjoyed the same to all and every intent, use, or purpose whatsoever.

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In witness whereof the said **CORD HAZZARD** have hereunto set his hand on a fixed his seal this 5th day of May in the year of Our Lord 1785.

**CORD HAZZARD**, Sheriff {seal}

Sealed and delivered in the presence of us

**EDWARD TILGHMAN JR.**

**WILLIAM DOW**

The within named **PETER ROBINSON**, late high Sheriff of Sussex County, do hereby acknowledge that the consideration money for the within mentioned land and premises is satisfied and paid to the Rev. Sydenham Thorne and Thomas Laws legal representatives of the within mentioned **LEVIN CRAPPER** Esquire tendered as appears to me by there several receipts to **JOHN TRUITT** the purchaser.

In witness whereof I have hereunto set my hand the 5th day of May 1785.

**PETER ROBINSON**

Witness payment at signing

**RUSSELL**

Sussex County

I do hereby certify that on the 5th day of May in the year of Our Lord 1785 the within deed of sale was acknowledged in open court in due form of Law and unto the parties there in named.

In testimony whereof I have hereunto set my hand and affixed the public seal of my office this 12th day of May in the year above written.

**D. HALL**, prothonotary

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Brent R. Brian  
Martha M. Brian  
[BrianMitchellGenealogy@gmail.com](mailto:BrianMitchellGenealogy@gmail.com)