

Deed, DE, New Castle, Bryans and WILLIAM CLARK 1771

THIS INDENTURE TRIPARTITE made the 18th day of February in the 11th year of the reign of our Sovereign Lord George the third by the grace of God King of Great Britain and see and in the year of Our Lord 1771.

BETWEEN **JOHN BRYAN** of St. George's hundred, Yeoman, **ALEXANDER BRYAN** of White Clay Creek and [White Clay] hundred, Yeoman, **JAMES BRYAN** of St. George's hundred, Yeoman, **CATHERINE BRYAN** of St. George's hundred, spinster, **CHARLES BRYAN**, **NATHANIEL BRYAN**, **WILLIAM BRYAN** and **ROBERT BRYAN** of St. George's hundred, Yeoman, all of the county of New Castle upon Delaware, and **ANDREW BRYAN** of Princeton of the East Jerseys, student, of the first part, **WILLIAM CLARK** of the hundred and County of New Castle aforesaid, farmer, of the second part and **JOHN THOMPSON** of the town and County of New Castle aforesaid, Gentlemen, of the third part.

WITNESSETH that the said **JOHN BRYAN**, **ALEXANDER BRYAN**, **JAMES BRYAN**, **CATHERINE BRYAN**, **CHARLES BRYAN**, **NATHANIEL BRYAN**, **WILLIAM BRYAN**, **ROBERT BRYAN**, and **ANDREW BRYAN** for the barring all estates tail and remainder over, of, and in the messuages, lands, tenements and her edit immense here in after mentioned and for and in consideration of the sum of 5 shillings, lawful money of the government of the counties of New Castle, Kent, and Sussex upon Delaware, to them in hand paid by the said **WILLIAM CLARK** at and before the sealing and delivering of these presents, the receipt whereof is hereby acknowledged, and for divers other good causes and consideration, them the said **JOHN**, **ALEXANDER**, **JAMES**, **CATHERINE**, **CHARLES**, **NATHANIEL**, **WILLIAM**, **ROBERT** and **ANDREW BRYAN** thereunto moving have granted, bargained, and sold and by these presents do grant, bargain, and sell unto the said **WILLIAM CLARK**, his heirs and assigns, all that plantation or tract of land called Exeter, situate and being on the west side of Delaware River and on the north side of Drawer's Creek in St. George's hundred in the county of New Castle aforesaid.

Beginning at a corner marked Red Oak standing at the head of a small branch, from thence N NW by a line of marked trees 222 perches to a corner marked Hickory standing in the line of **JAMES SMOTHERS**, from thence NW by the said **SMOTHERS'** line of marked trees 38 perches to a corner marked White Oak of the said **SMOTHERS'**, marked SW by a line of marked trees 100 perches to a corner marked Red Oak, from thence W and by N by a line of marked trees 90 perches to a corner marked Hickory standing by the side of a marsh, thence SW and by W 16 perches to a corner marked Spanish Oak standing at the head of Bogg Branch, thence down the branch on the several courses to a corner marked White Oak standing at the mouth of a small Branch by the main branch of Drawer's Creek drawers, from thence NE by a line of marked trees 70 perches to the first mentioned Red Oak.

Containing 256 Acres, the same more or less.

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And also a small tract or parcel of land adjoining the above-described plantation called Exeter situated in the hundred and County Aforesaid.

Beginning at a corner Red Oak of the land a four described tents by land of **THOMAS NIXON** N 38 degrees E 48th perches to a stone near a marked Black Oak, thence by land of **JOHN VANCE** N 38½ degrees E 27 perches and a half to a corner of **WILLIAM WHITTEL**'s land near a marked Hickory, thence by said **WHITTEL**'s and N 49 degrees 30 minutes W 105 perches and a half to a small Black Oak sapling by the root of an old corner White Oak, then by land of **JOHN LANDS**, deceased, N 48 degrees W 61 perches thence by land formerly of **JOHN THOMAS** S 25 degrees E 186 perches to the place of beginning.

Containing 36¼ acres be the same more or less.

TOGETHER WITH ALL AND SINGULAR the messages, barns, stables, orchards, gardens, meadows, woods, ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances whatsoever on to the same two tracts of land belonging or in otherwise appertaining. And the reversion and reversions, remainder and remainders, rents, issues, and profit thereof and also all the estate, right, title, interest, use, possession, property, claim and demand whatsoever of them, the said **JOHN, ALEXANDER, JAMES, CATHERINE, CHARLES, NATHANIEL, WILLIAM, ROBERT,** and **ANDREW BRYAN**, of, in, too or out of the premises or any part or parcel thereof.

TO HAVE AND TO HOLD the said two tracts of land containing in the whole 292¼ acres, be the same more or less, and all and singular other the premises hereby granted, bargained, and sold or intended to be hereby bargained, and sold, with the appurtenances unto the said **WILLIAM CLARK** his heirs and assigns, to the only proper use and behoof of the said **WILLIAM CLARK**, his heirs and assigns forever.

TO THE INTENT AND PURPOSE, nevertheless, that the said **WILLIAM CLARK** maybe perfect tenant of the freehold and inheritance of all and singular the aforesaid premises with the appurtenances against whom a common recovery of the said two tracts of land, tenements, hereditaments and appurtenances maybe had, suffered, and perfected, and to that end and purpose it is agreed by and between the parties to these presents that the above named **JOHN THOMPSON** shall, before the end of February term instant, prosecute or sue out one or more writ or writs of entry sur disseisin in le post, returnable before the justices of the Lord, the King of the Court of Common Pleas, at New Castle there to be held for the said County of New Castle at the proper cost in charge of the aforesaid **CHARLES** and **NATHANIEL BRYAN** whereby the said **JOHN THOMPSON** shall demand against the said **WILLIAM CLARK** the said two tracts of land, tenements, hereditaments and premises with their and every of their appurtenances, by such name and names, quantities, qualities and other additions and descriptions to ascertain the same as shall be thought fit and requisite, to which said writ or writs the said **WILLIAM CLARK** shall appear gratis and his proper person, and shall and will vouch to warrant the premises with the appurtenances to the aforesaid **JOHN, ALEXANDER, JAMES, CATHERINE, WILLIAM, ROBERT** and **ANDREW BRYAN**, who shall likewise appear in their proper persons and shall vouch to warrant the said **CHARLES** and **NATHANIEL BRYAN** who shall likewise appear in their proper persons and shall vouch to warrant the common vouchee who shall likewise appear and impart and afterwards make default and such further and other proceedings shall be had there in so what so that one or more good and perfect common recovery or recoveries with treble voucher shall or maybe had, perfected, and executed in all things

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according to the usual form of common recoveries with treble voucher for assurance of lands and such cases used and accustomed.

And it is hereby further covenanted, concluded, declared and fully agreed, by and between all the said parties, to these presents and it is their true intent and meaning that from and immediately after the said common recovery or recoveries shall be had, prosecuted and suffered as aforesaid of the premises aforesaid with their the appurtenances between the said parties to these presents or any of them shall be and enure and shall be construed, deemed, and taken to be and enure to the uses, intense, and purposes here in after mentioned and declared, that is to say. To the use and behoof of the said **CHARLES BRYAN** and **NATHANIEL BRYAN**, their heirs and assigns forever, and to and for no other use, intent, or purpose whatsoever.

In witness whereof the said parties have to these presents interchangeably set their hands and seals the day and year first above written

JOHN BRYAN {seal}
ALEXANDER BRYAN {seal}
JAMES BRYAN {seal}
CATHERINE BRYAN {seal}
CHARLES BRYAN {seal}
NATHANIEL BRYAN {seal}

WILLIAM BRYAN {seal}
ROBERT BRYAN {seal}
WILLIAM CLARK {seal}
JOHN THOMPSON {seal}
ANDREW BRYAN {seal}

Sealed and delivered in the presence of

THOMAS MCKEAN
DAVID HALL Jr.

New Castle County

Acknowledged by all the parties to the within in open Court of Common Pleas held at New Castle for the county of New Castle in February term 1771.

In testimony whereof I have hereunto affix the seal of said Court.

Recorded September 4th 1771

THEODORE MAURICE, prothonotary

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Transcribed from original documents by Brent R. **BRYAN** & Martha M. **BRYAN**.

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Brent R. **BRYAN**

Martha M. **BRYAN**

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