

Deed, DE, New Castle, James Bryan to Thomas Witherspoon

THIS INDENTURE made the 26th day of June in the 11th year of the reign of our Sovereign Lord George the third by the grace of God of Great Britain, France, and Ireland, King defender of the face and see and the year of Our Lord 1771.

BETWEEN **JAMES BRYAN** St. George's hundred and the county of New Castle upon Delaware, Yeoman, and **ANN [BRYAN]** his wife of the one part and **THOMAS WITHERSPOON** of the hundred and County aforesaid of the other part.

WHEREAS **CHARLES BRYAN** by sundry good assurances and convinces in the law became lawfully seized in his demesne of as of fee and in a certain tract or parcel of land situated in St. George's hundred in the county of four commonly called and known by the name of Chesterfield containing 120 Acres be the same.

AND WHEREAS the said **CHARLES BRYAN** being so seized as aforesaid afterward made his last will and testament in writing duly executed leaving bearing date the 19th day of March in the year of Our Lord 1766 and therein [inter alia] did give and devise on to the above named **JAMES BRYAN** sixty Acres of Land part of a tract whereon the said **JAMES** then dwelled called Chesterfield in fee tail and soon after died as by the said will duly proved and registered in the register's office in New Castle relation thereunto being had may more fully appear.

AND WHEREAS the same **JAMES BRYAN** so thereof being seized for the barring and docking his estate tail in the premises did in the core common pleas held at New Castle in and for the county of New Castle the third Tuesday in May in the year of Our Lord 1771 suffer a common recovery of the same as by the several writs of entry and seisin and other proceedings in the premises remaining filed and of record and the in the prothonotary's office of the said court at New Castle relation where to had more fully appears and by deeds of bargain, sale and release bearing the date the 17th and 18th days of May in the year of Our Lord 1771 aforesaid for the leading the uses of the said recovery an absolute estate of inheritance in fee simple in the land and premises or said with the appurtenances was vested in the said **JAMES BRYAN** as by the said deeds of bargain, sale, and release remaining of record in the recorder's office at New Castle relation where to being had me more fully appear.

NOW THIS INDENTURE WITNESSETH that the said **JAMES BRYAN**, and **ANN** his wife, for and in consideration of the sum of £180 lawful money of the government of the counties of New Castle, Kent, and Sussex upon Delaware to them in hand paid at and before the sealing and delivery whereof by the said **THOMAS WITHERSPOON** the receipt whereof they do hereby acknowledge and their of do acquit and forever discharge the said **THOMAS WITHERSPOON** his heirs, executors, administrators, and assigns by these presents have granted, bargained, sold, aliened, released, enfeoffed, and confirmed and by these presents to grant, bargain, sell, alien, release, enfeoff and confirm unto the aforesaid **THOMAS WITHERSPOON** his heirs and assigns forever all that the aforesaid sixty acres of land situated in St. George's hundred in the county of New Castle aforesaid.

Beginning at a double maple being a corner of land of the aforesaid **THOMAS WITHERSPOON** and from thence westerly with the lines of the said **THOMAS WITHERSPOON** and **JACOB PETERSON** 190 perches and from thence across the aforesaid tract of land so as to exclude the dwelling House of **WILLIAM [BRYAN]** and **ROBERT BRYAN** and then intersects **ANDREW BRYAN**'s land.

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Together also with all and singular the buildings, orchards, gardens, meadows, pastures, woods, ways, waters, water courses, rights, liberties, privileges, hereditaments, and appurtenances whatsoever to the same belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and also all the estate, right, title, interest, issues, possession, property, claim and demand whatever whatsoever of them the said **JAMES BRYAN** and **ANN** his wife of, in, to or out of the same or any part or parcel thereof. To have and to hold the said sixty acres of land and all in singular other the premises hereby granted, bargained, sold or mentioned or intended to be hereby bargained and sold with the appurtenances unto the said **THOMAS WITHERSPOON** his heirs and assigns to the only proper use and behoof of the said **THOMAS WITHERSPOON** his heirs and assigns forever of the chief Lord or Lords of the fees are of by the rents and services therefore due and of right accustomed. And the said **JAMES BRYAN** for himself and the said and **ANN** his wife and their heir do hereby covenant and Grant to and with the said **THOMAS WITHERSPOON** his heirs and assigns that they, the said **JAMES BRYAN** and **ANN** his wife, and their heirs the said sixty acres of land and premises with the appurtenances on to the said **THOMAS WITHERSPOON** his heirs and assigns against them the said **JAMES BRYAN** and **ANN** and their heirs and against all and every other person and person claiming or to claim the same by, from or under them or any of them show and will warrant and forever defend by these presents.

In witness whereof the said **JAMES BRYAN** and **ANN** his wife have hereunto set their hands and seals respectively the day and year above.

JAMES BRYAN {seal}
ANN BRYAN {seal}

Sealed and delivered in the presence of

JAMES MOORE
THOMAS E. HEDRICK

Received from Mr. **THOMAS WITHERSPOON** the sum of £180 the consideration money above mentioned in full for the absolute purchase of the land and premises aforementioned the 26th day of June 1771.

JAMES BRYAN

Witnesses present

JAMES MOORE
THOMAS E. HEDRICK

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New Castle County
June 26th 1771

This day came before me the subscribed one of his Majesty's justices of the peace for the county of for said **ANN BRYAN** this day came before me, the subscribed, one of his Majesty's justices of the peace for the county of for said **ANN BRYAN** party choosy within indenture who upon being privately examined by me touching the execution of said indenture did declare that she signed, sealed the same voluntarily and of her own free will without any threat compulsion or fear of ill usage from her husband **JAMES BRYAN** or any other person whatsoever.

Before me

BENJAMIN NAXON

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New Castle County

The execution of the within was proved by **THOMAS E. HEDRICK** one of the witnesses there to in open Court of Common Pleas held at New Castle for the county of New Castle in February term 1776

In testimony whereof I have hereunto affixed the Seal of said Court.

THEODORE MAURICE

Recorded April 15th 1777

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

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