

Deed, NC, Currituck, EUSTACE OBRIEN to SAMUEL TILLET, 1805

THIS INDENTURE made this 27th of May Anno Domini 1805.

BETWEEN **SOLOMON ALCOCK** Esquire, Sheriff of Currituck County in the state of North Carolina of one part and **SAMUEL TILLET** of the other part.

WITNESSETH that whereas by a certain writ of fieri facias of the state aforesaid out of the county court of Pleas and Quarter Sessions for the county of Currituck aforesaid held for said County of Currituck at the courthouse in Currituck on the last Monday in February [22nd] 1802 and to me direct it as Sheriff of Currituck County whereby I was commanded in the following words viz:

State of North Carolina

TO THE SHERIFF of Currituck County greeting.

WHEREAS **GRIFFETH SAWYER** recovered before **JOSEPH MORGAN**, one of the justices of the peace for the county of Camden, against **PETER BAUM**, administrator of the estate of **EUSTACE OBRIEN**, deceased, a judgment for the sum of £7 and a half penny and costs of four shillings.

AND the said **PETER BAUM**, administrator as aforesaid, holding no assets of the estate of **EUSTACE OBRIEN** in his hands, execution thereof was returned to the county court of Currituck on the last Monday [December 30,] 1799, executed or levied a certain tract or parcel of land on the North Banks against the land of **WILLIAM ETHERIDGE** in Currituck County, which said woodlands were claimed by **LAZARUS LINTON** Esquire, and the right of **EUSTACE OBRIEN** were traversed and by the verdict of the jury were pronounced the right of the said estate **OBRIEN**, deceased, which determination was at August term 1801 it was offered, by the council for the plaintiff, that it was requisite for a stay of execution twelve months from the determination thereof which were adopted in case of his or other claims under the right of **EUSTACE OBRIEN**, deceased, stay of execution released on motion of the council, ordered that execution issue to sell the land and tenements of the said **EUSTACE OBRIEN** deceased.

YOU ARE THEREFORE COMMANDED to expose to sale at public vendue the lands and tenements of **EUSTACE OBRIEN**, deceased, which were under the claim of **LAZARUS LINTON** Esquire of [??] if to be found in your cause to be made the sum of £7 and half penny which **GRIFFETH SAWYER**, or lately in the county Court of Pleas and Quarter Sessions held for the county of Currituck, recovered against **BAUM**, administrator of said **EUSTACE OBRIEN**, deceased, for debt as also the sum of £16.2.8 for cost and charges by him that and that behalf expensed by reason of the detention of the said debt besides Sheriff fees on the same, whereof the right is good in the hands of the said **PETER BAUM** and the premises of said **OBRIEN** liable as appear of record and have you there then and there this writ and how you have executed the same.

Witness **SPENCE HALL**, Clerk of the said court, at office in Currituck the second day of December in the XXXII Year of our independence Anno Domini in 1802.

J. **BAXTER**, DCCC

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And I, the said **SOLOMON ALCOCK**, Sheriff, in obedience to the writ of fieri facias to me directed, did enter upon and take possession of a certain tract of land belonging to the estate of the said **EUSTACE OBRIEN**, deceased, other sufficient property being not to be found, which land is situated, lying and being in the county of Currituck on the North Banks bounded as follows:

Beginning at **TILLET** on the North; the sound on the West; the land of the **ROGERS** on the south; the sea on the East. Being part of a tract of land known by the name of Doctor's Folly lying on Francis Creek.

That **JOSIAH NICHOLSON** surveyed for the said **EUSTACE OBRIEN**, and patented by said **OBRIEN**, which patent contained 367 acres of land, the contents were complement of ??? not being known which is the last sold which is the last & all of any part of the aforesaid patent that was unsold, all the appurtenances thereunto belonging, and after due and legal notice by advertising, according to law, that expose the same to sale by way of public vendue for the purpose aforesaid on the premises is on the _____ day of _____ When and where the said **SAMUEL TILLET** appeared and bid the sum of £24.19.08½ for the whole of the land and was the highest bidder for the right of **EUSTACE OBRIEN** in the said remainder of the land.

AND NOW THIS INDENTURE WITNESSETH that I, the said **SOLOMON ALCOCK**, sheriff, in virtue of the said writ to me directed and the laws in such cases made and provided and in consideration of the sum of £24.19.08½ as aforesaid to me in hand paid by the said **SAMUEL TILLET**, the receipt where of I do hereby acknowledge, has bargained, sold, aliened, enfeoffed, and confirmed unto the said **SAMUEL TILLET** his heirs and assigns forever all that messuages or tract of land above mentioned with the rents, issues, and profits.

TO HAVE AND TO HOLD on to him the said **SAMUEL TILLET** his heirs and assigns forever as far as I, **SOLOMON ALCOCK**, sheriff of the county of Currituck, aforesaid, can convey in pursuance of the laws enforce made for the recovery of debts by which laws all the proceedings here in mentioned are well and sufficiently warranted and defended.

IN WITNESS WHEREOF I, the said **SOLOMON ALCOCK**, Sheriff of Currituck County aforesaid, half hereunto set my hand and affixed my seal the day and date above Britain.

SOLOMON ALCOCK, Sheriff {seal}

Signed, sealed, and delivered in the presence of

J. BAXTER

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North Carolina state of North Carolina
Currituck
May term 1805

This deed of sale from **SOLOMON ALCOCK**, Sheriff to **SAMUEL TILLET** was acknowledged in open court in due form of Law & Order registered.

Attest

J. BAXTER, DCCC

Recording to order is registered according

July 9th day 1805

Test **WILLIS ETHERIDGE**, public register

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

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