

## William Green Sells Part of the Iron Works Tract in 1832

Two separate entries in the Surry County deed books refer to the sale of the western portion of the old Iron Works Tract in 1830 and 1832. The land was described as 369 acres from the original 640-acre grant to David Allen (Surry Grant #416, file #417). This deed was for the portion that was located west of the Big Elkin and on the west side of Elk Spur St. In fact, the northern property line exactly follows the path of Elk Spur St. showing that the path of the road hasn't changed over nearly 200 years.

This isn't a simple deed where one person sells land to another. The content of the deed is difficult to understand, but I'll summarize it in a way that makes sense to me. I'll include a full transcription so that anyone who better understands land transactions can come to their own conclusions. Please contact me with any corrections or comments.

The first deed is dated 9/27/1830 (Surry DB U, p35-6). William Green owed \$237 to Thomas D. Kelly for land that he had purchased, and was due in December 1829. He also owed \$200 to Phillip Johnson that would be due on 12/16/1830. Finally he owed \$24.125 to M. Thurmond that Kelly had paid for him back in May. William Green wanted to pay off all \$461 along with interest.

I think of this as a mortgage. William Green mortgaged a tract of land as well as a slave girl named Clary. H. G. Hampton agreed to pay Green \$1 in return for paying off his debts. However, if Green was able to pay off this mortgage before 12/1/1830, then this trust deed would be null and void and Hampton would give him his property back. However, if on 1/1/1831 Green hadn't repaid Hampton, then Hampton would have the authority to sell the property and keep the money. Since this deed is dated 9/27/1830, that only gave Green two or three months to rustle up \$461.

Two years later, another deed picks up the story on 5/17/1832 (DB U, p209). Things must not have worked out for William Green because this deed is for H. G. Hampton to sell the land at auction to the highest bidder. The highest bidder was Thomas D. Kelly who was one of the men that Green was indebted to. Kelly paid \$260 for the 367 acres. (Yes, this deed appears to say 367 acres, while the earlier one looks like 369 acres.) The auction had been held on 12/23/1831, six months before the deed was issued.

I don't know how William Green acquired the land before 1830. In 1827, Jonathan Haynes signed over a deed of trust to Litle Hickerson pending the results of a case in the Surry Court of

Equity. I don't know any more about that case, but by 1830, neither Hickerson or Haynes owned the property.

I also haven't been able to find a deed where Thomas D. Kelly later sold this property after 1832. On 1/23/1839 Richard Gwyn bought the entire 640-acre Iron Works Tract from Richard H. Parks of Iredell Co for \$2,000 (DB Y, p141). Somehow, after being split into two parts in the 1830 deed, this tract had been consolidated again before Richard Gwyn bought it.

**Surry DB U, p35**

Thomas D. Kelly from William Green, a trust deed No. 31

Whereas William Green is jointly indebted Thomas D. Kelly in the sum of \$237 due by contract it being the last payment of a tract of land bought of said Kelly and was due on the day of December 1829 and a further sum of 200 borrowed money to pay off Philip Jonson judgement on or about the 16 day of December 1830 and a payment confessed to M. Thurmond for the sum of \$24.125 sometime in May last which judgement the said Kelly is now holder of and the said William Green is desirous of securing to the said Thomas D. Kelly the payment of the above sums with the legal interest thereon know all men by these presents that for and in consideration of the premises and further consideration of the sum of

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\$1 to me in hand paid before the sealing and signing of these presents by H. G. Hampton the receipt of which sum from the said H. G. Hampton is hereby \_\_\_ have bargained and sold \_\_\_ and confirmed unto the said H. G. Hampton his heirs the following tract of land situate in the County of Surry and State of North Carolina lying and being in the county and state aforesaid on the North side of the Yadkin River and west side of the Big Elkin Creek bounded as follows

Beginning at the mouth of said creek runs thence up the same N36W 14 chains and 50 links to a birch on the bank of said creek,

thence up and across said creek N69W 15 chains to a walnut on the west side of said creek above the old forge dam,

then W13 and 35 to a \_\_\_ on the road to trap hill,

then along said road N35W 13.33 to a pine,

N80W 8 and 50,

Then N68W 10 chains,

Then N80W 12.25,

Then N40.5W 5 chains,

Then N26W 5 chains,

Then N63W 9 chains and 50 links to a black oak on the road,

Then N15 chains to a stake in the back line original of which this is a part,

Then west on the same 12 chains and 50 links to a poplar stump in the Wilkes County line on a small branch at John Wall fence,

Then South on the County line 71 chains to a hickory in William Taylor line,

East with the same 18 chains and 50 links to a center between two white oaks,

Then South 10 chains to the river bank,

Then down the same to the beginning including 369 acres of land be the same more or less it being part of 640 acres granted to David Allen called the old Iron Works tract to have and to hold the said tract of land with all the appertances to him the said H. G. Hampton and his heirs for myself and heirs and the said William Green do warrant and forever defend the land unto H. G. Hampton and heirs forever against all claims and for the further consideration of one dollar to me in hand paid by the said H. G. Hampton a Negro girl named Clary to have and to hold unto H. G. Hampton and his heirs forever in trust.

Nonetheless that if the said William Green shall at or before the first day of December 1830 pay unto T. D. Kelly the sum described and interest on the same then and in that case the said H. G. Hampton to reconvey said property to me the said William Green, but if on the other hand on the first day of January 1831 all or any part of money is due I shall remain satisfied then and in that case it shall be the duty of H. G. Hampton trustee to expose at public sale at the house of William Green on the premises the said land \_\_\_\_\_ property or as much thereof as shall be sufficient to satisfy said debt interest and cost selling either the land or the Negro for cash the said H. G. Hampton trustee having first advertised the said sale at three public places in the county for 30 days and the proceeds of said sale the necessary expenses for executing this trust with the sum of 2% to the trustee for his services and the principle and interest due on the above debt shall be paid and the balance if any shall be paid to the said William Green at \_\_\_\_ understand that the said William Green is to remain in possession of the land and Negro during the will of the trustee until a sale, but the trustee shall have a right at any time to take possession of the land and Negro property when he pleases and hold the same for the purpose of this trust in witness whereas I have hereunto set my hand and affixed my seal this 27 day of September 1830 signed sealed and delivered in presents of John S. Patterson, jurat

Given to register 8<sup>th</sup> Dec 1830

William Green

Surry County November term 1830 the execution of the within deed of trust was duly proven in open court by oath of John S. Patterson and \_\_\_\_\_

**DB U, p209**

H. G. Hampton from Thomas D. Kelley, a deed No 30.

This indenture made the 17 day of May 1832 between Henry G. Hampton of the County of Surry and State of North Carolina of the one part and Thomas D. Kelly of the county and State of the other part witnesseth that whereas William Green on the 27<sup>th</sup> day of September 1830 for the purpose of securing unto Thomas D. Kelly a certain sum of money therein specified, did execute to Henry G. Hampton as trustee a deed of trust for a tract of land lying in said county of Surry containing 367 acres of land as by reference to said deed which hath been duly proved and is registred in the registers office of Surry County Book U, page 35 will fully appear, and whereas at the time limited in said deed of trust the money intended to be secured thereby to said Thomas D. Kelly remained due and unpaid, and the said Henry G. Hampton having duly advertised the same as required by said deed did proceed to sell the same at public sale for each at the house of the said William Green on the premises on the 23<sup>rd</sup> day of December 1831 at which time and place Thomas D. Kelly became the last and highest bidder at the sum of \$260.

Now know all men by there presents that I, Henry G. Hampton trustee, in persuance of powers in me vested by said deed of trust and for and in consideration of the sum of \$260 to me in hand paid the receipt of which I do hereby acknowledge have given, granted, bargained, and sold and by their presents do give, grant, bargain and sell unto Thomas D. Kelly and his heirs forever the said tract of land situate lying and being as follows.

Lying on the North side of the Yadkin River and west side of the Big Elkin Creek, beginning at the mouth of said creek, runs then up the same N36W 14 chains 50 links to a birch on the bank of said creek,

Then up and across said creek N67W 15 chains to a walnut on the west side of said creek above the old forge dam,

Then W13.85 to a pine on the road to trap hill,

Then along said road N35W, 13.35 to a pine

N80W 8.5

Then N68W 10 chains,

Then N80W 12.25,

Then N40W 5 chains,

Then N26W 5 chains,

Then N63W 3 chains and 50 links to a black oak on the road,

Then N15 chains to a stake in the back line of the original which this is a part,  
Then W on the same 12 chains and 50 links to a poplar stump in the Wilkes county line on a small branch at John Walls' fence,  
Then S on the county line 71 chains to a hickory on William Taylor's line,  
East with the same 18 chains and 50 links to a center between two white oaks,  
Then South 10 chains to the river bank,  
Then down the same to the beginning including 367 acres more or less it being part of 640 acres granted to David Allen called the old Iron Works tract

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to have and to hold the said tract of land with the appertenances to him the said Thomas D. Kelly and his heirs forever, and I the said Henry G. Hampton trustee to warrant and shall forever defend the said premises to the said Thomas D. Kelly and his heirs so far as I am entitled to do by said deed of trust and no farther.

Test. Jo. Williams

Acknowledged, H. G. Hampton

Surry County May term 1832

The execution of the within deed was duly acknowledged in open court by Henry G. Hampton and a deed to be registered.