

Two Eighteenth Century Indentures



BURROW LIBRARY MONOGRAPH

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FOREWORD

The two indentures (1) Between Andrew Jackson and James Grant, attorneys for John Overton, and David Allison, and (2) Between David Allison and Elisha Buckingham Hopkins—George Wescott, dated respectively May 14, 1795, and January 4, 1797, came from the estate of the late Congressman Hubert F. Fisher, a statesman, scholar, and long-time friend of Southwestern at Memphis. They were acquired by him somewhere in eastern Tennessee, and were donated to the Burrow Library of Southwestern by Mrs. Fisher in 1954. Appropriately mounted and framed, they are now on display in the Burrow Library.

Although the indentures were written in a clear and beautiful hand, their large size (35" x 28" and 18" x 29") makes them inconvenient to handle and some areas of the parchment have become blurred through folding and age. Recognizing the historic importance of these documents, Mrs. Fisher, aided by Professor W. R. Cooper, of the Southwestern faculty, undertook the task of transcription and restoration of the text; Mr. Charles E. Pool helped to clarify several ambiguities. An effort has been made to preserve the characteristic flavor of these documents by reproducing as closely as possible the original spelling, punctuation, and phrasing of more than a century and a half ago.

Mr. Robert T. Quarles, Jr., of the Tennessee State Archives, Secretary of the Tennessee Historical Society, has provided photostatic copies of items relating to the indentures, with permission to use. They include (1) a letter from James Grant to John Overton dated at Philadelphia, January 1, 1795, (2) a letter from Andrew Jackson to Mr. Overton dated at Knoxville, June 9, 1795 (both letters from the Claybrook collection of Judge John Overton manuscripts, 1779-1833), and (3) contemporary survey maps of several of the 5,000 acre tracts involved in the transaction. These materials will be available for examination in the Burrow Library, along with the indentures. It seems evident, from the survey maps, that these tracts of land lay adjacent to the Hatchie River about fifteen miles from the point at which it empties into the Mississippi, north of the present site of Covington, Tennessee.

Mr. Grant's letter emphasizes the fact that eastern land speculators were interested only in large tracts of land. "I soon found," he writes, "that it was only large Bodies of land in one survey, or if in several it must lie connected that could be sold unless at a very low price . . ." Since the land was valued at from twenty to twenty-five cents an acre, this largeness of view is the more understandable. Andrew Jackson found the whole matter so troublesome that he "would not undertake the same business again for all Hatchey lands" and adds in a postscript, "I am very much fatigued even almost unto death . . ." The record provides an interesting footnote to the history of this region.

The first of the series of Burrow Library Monographs is dedicated to the Friends of the Burrow Library in recognition of their interest and support.

The indentures are published as the first of a series of Burrow Library Monographs. It is hoped that other important documents may similarly be preserved and made available to scholars.

The Editorial Committee, Burrow Library Monographs.

A. THEODORE JOHNSON

M. L. MACQUEEN

J. W. STEIN

HISTORICAL NOTE

Soon after Andrew Jackson bought the Hermitage plantation near Nashville, he and his friend John Overton established a store. Here they exchanged manufactured goods, purchased in Philadelphia, for furs and other articles of value, which they shipped to the New Orleans market.

In the spring of the year 1795, Jackson took the long journey to Philadelphia to obtain goods for the store, expecting to pay for them by selling Tennessee lands owned by him and his partner, John Overton. The only purchaser he was able to find for these lands was a former friend, David Allison, who had come West and had begun the practice of law with Jackson in the early years of the Nashville settlement. Allison was now living in Philadelphia, having been sent East some years before as the agent of Governor William Blount.*

Allison purchased the lands at twenty cents per acre, giving Jackson his notes to cover the purchase price. The first of the two indentures is that given on this occasion, May 14, 1795, to David Allison by Andrew Jackson and James Grant, attorneys for John Overton. It will be noted that this indenture was made in 1795, before Tennessee had been organized as a state and when Nashville was located in "territory south of the Ohio River."

Jackson endorsed the notes to the merchants from whom he purchased the goods for his store. Allison soon met great financial reverses, and was thrown into a debtors' prison. He was unable to pay the notes, and the second indenture is that given to the merchants, Elisha Buckingham Hopkins and George Wescott, by David Allison in satisfaction of the notes, on January 4, 1797. Meanwhile, Tennessee had been admitted to the Union in 1796, and in this latter indenture the lands are described as lying in the State of Tennessee, of which state Knoxville was the capital.

W. RAYMOND COOPER

*Abernethy, Thomas P., *From Frontier to Plantation in Tennessee*, Chapel Hill, 1932, p.262.

INDENTURE

between

Andrew Jackson and James Grant

Attornies for John Overton

and

David Allison

May 14, 1795

THIS INDENTURE made the Fourteenth Day of May in the year of our Lord One thousand seven hundred and ninety five *Between* Andrew Jackson of Davidson County in the Territory of the United States South of the River Ohio Esquire and James Grant of the City of Philadelphia in the Commonwealth of Pennsylvania Gentleman (the said Andrew Jackson and James Grant being Attornies named and constituted by John Overton of the Town of Nashville in the said Territory, in and by a Letter of Attorney dated the twentieth Day of February in the year One thousand seven hundred and ninety five duly proven and recorded in the Clerk's Office of Davidson County aforesaid for the purpose of selling and conveying any of the Lands owned by the said John Overton on the River Hatcha or the Waters thereof) of the one part and David Allison of the City of Philadelphia in the Commonwealth of Pennsylvania aforesaid Esquire . . . of the other part

Witnesseth That the said Andrew Jackson and James Grant Attornies as aforesaid by Virtue of the Authority vested in them in and by the said Letter of Attorney for and in Consideration of the sum of Five Shillings . . . lawful Money of The United States unto them well and truly in Hand paid by the said David Allison Esquire . . . at or before the Sealing and Delivery of these Presents the Receipt whereof they the said Andrew Jackson and James Grant do hereby acknowledge and thereof and therefrom and from every part and parcel thereof do acquit release and forever discharge the said David Allison Esquire his . . . Executors Administrators and Assigns by these Presents

Have granted bargained sold aliened enfeoffed conveyed and confirm, And in the Name of the said John Overton by virtue and in pursuance of the Powers and Authority vested in them in and by the said Letter of Attorney *Do* grant bargain sell alien enfeoff convey and confirm unto the said David Allison Esquire and to his . . . Heirs, and Assigns forever, All those five Tracts or parcels of Land situate lying and being in the Western District in the Territory of the United States South of the River Ohio containing in the whole Twenty five thousand acres as the same are hereinafter described and set forth to wit

One of the said Tracts containing Five thousand Acres situate on the South side of Big Hatcha River *Beginning* on the North East corner of

John Rice's Entry no. 2096 at an Elm and Sugar trees marked TW running East One hundred and sixty Chains to a White Oak and thence South Three hundred and twelve Chains fifty Links to a Black Oak tree thence West One hundred and sixty Chains to a Stake thence North Three hundred and twelve Chains fifty Links to the Beginning.

One other of the said Tracts containing Five Thousand Acres lying on the South side of Big Hacha river *Beginning* on the North East Corner of John Rice's entry no. 2094 at a Black Oak tree marked IR running East One hundred and sixty Chains to an Elm tree thence South Three hundred and twelve Chains fifty Links to a White Oak tree thence West One hundred and sixty Chains to a Stake thence North Three hundred and twelve Chains fifty Links to the Beginning.

One other of the said Tracts containing Five thousand Acres lying on the South side of Big Hacha river about fifteen miles from the mouth *Beginning* at a Willow oak tree marked IR standing on the Bank of said River on the South side running East One hundred and sixty Chains to a Black Oak tree thence South Three hundred and twelve Chains fifty Links to a Hickory thence West One hundred and sixty Chains to a Stake thence North Three hundred and twelve Chains fifty Links to the Beginning.

One other of the said Tracts containing Five thousand Acres lying on Big Hacha river *Beginning* at the North East corner of John Rice's Entry no. 2095 at an Elm tree marked IR running due East One hundred and sixty Chains to a Sweet Elm tree thence North Three hundred and twelve Chains fifty Links to a Hickory thence West One hundred and sixty Chains to a Stake thence South Three hundred and twelve Chains fifty Links to the Beginning.

And the other of the said Tracts containing Five thousand Acres lying on Big Hacha river *Beginning* at the North East Corner of John Rice's Entry no. 2094 at a Black oak tree marked IR running due East One hundred and sixty Chains to an Elm tree thence North Three hundred and twelve Chains fifty Links to a White Oak tree thence West One hundred and sixty Chains to a Stake thence South Three hundred and twelve Chains fifty Links to the Beginning . . . Which said Five described Tracts of Land the State of North Carolina by five Several Grants or Patents each for Five thousand Acres numbered as follows—the first above described Tract no. 80—dated the tenth Day of July One thousand seven hundred and eighty eight—The second no. 288—The third no. 292—The fourth no. 284 and the last no. 285—the last four numbered bearing date respectively the twenty-fifth of April One thousand seven hundred and eighty nine, all under the Hand of His Excellency Samuel Johnston Esquire Governor and Commander in Chief of the said State and under the Great seal of the same, Registered in the Register's Office of Orange County in Book M on the following folios to wit No. 80 on folio 124—No. 288 on 123—No. 292 on 115—No. 284 on 128 and No. 285 on 120—

Granted unto a certain John Rice in fee simple since deceased And which afterwards Elisha Rice for himself and as Attorney for Nathan Rice William H. Rice and Joel Rice (the said Nathan Rice and William H. Rice having by Power of Attorney dated the sixteenth day of April One thousand seven hundred and ninety two appointed the said Elisha Rice and Joel Rice their Attornies jointly and severally for the Purpose, and the said Joel Rice by a subsequent Power of Attorney dated July One thousand seven hundred and ninety four appointed the said Elisha Rice his Attorney sole for the Purpose, the said Elisha, Nathan, William H. and Joel Rice being the Heirs at law of the said John Rice deceased) by Indenture duly executed dated the twenty sixth day of July One thousand seven hundred and ninety four, duly presented and recorded in the Register's Office of Davidson County in Book C (?) page 370, Granted sold and confirmed unto the above named John Overton in fee simple, Reference being had to the said Grants Deeds and Instruments of Writing will more fully appear *Together* with all and singular the Dwellings and Improvements Ways Woods Waters Watercourses Mines Minerals Quarries Hedges Ditches Trees Fences Paths Passages Emoluments Advantages Rights Liberties Privileges Hereditaments and Appurtenances whatsoever to the said five described Tracts of Land belonging or in anywise appertaining *And* the Reversions and Remainders Rents Issues and Profits thereof and the Evidences and Securities of the Title thereof *And* all the Estate Right Title Interest Use Possession Property Claim and Demand whatsoever both at Law and in Equity of him the said John Overton and his Heirs and of the said Andrew Jackson and James Grant his Attornies of in and to the same and every part thereof,

To have and to hold the said above described Five Tracts or Parcels of Land containing in the whole Twenty five thousand Acres Hereditaments and Premises hereby granted or mentioned so to be with all and singular the Appurtenances unto the said David Allison Esquire his . . . Heirs and Assigns *To* and for the only proper Use Benefit and Behoof of the said David Allison Esquire his . . . Heirs and Assigns forever

And the said John Overton, by his said Attornies the said Andrew Jackson and James Grant, for himself his Heirs Executors and Administrators, covenant promise grant and agree to and with the said David Allison Esquire . . . and his Heirs in Manner following that is to say That he the said John Overton at the time and immediately before the execution hereof is seised of a good and absolute Estate of Inheritance and hath good Right full Power and lawful Authority to grant bargain sell convey and assure the Premises hereby granted with all Appurtenances unto the said David Allison Esquire . . . his Heirs and Assigns in manner and form above contained

And that free and clear and freely and clearly acquitted exonerated and discharged of and from all manner of former and other Gifts Grants Bargains Sales Mortgages Judgments Claims Incumbrances and Charges whatsoever And that he the said John Overton and his Heirs All and singular the Premises hereby granted or mentioned so to be with the Appurtenances unto the said David Allison Esquire his . . . Heirs and Assigns against him the said John Overton and his Heirs and against his Attornies the said Andrew Jackson and James Grant and against all and every other Person and Persons whomsoever lawfully claiming or to claim the same or any part thereof, shall and will *Warrant* and forever *Defend* by these Presents,

And that he the said John Overton and his Heirs and all and every other Person and Persons whomsoever anything having or claiming to have in the hereby granted Premises by through from or under him or them shall and will at the reasonable request and proper Cost and Charges of the said David Allison his . . . Heirs and Assigns make do execute and suffer or cause to be made done executed and suffered all and every such Acts Deeds and Devices in the Law for the further and better assuring and confirming the Premises hereby granted with the Appurtenances unto the said David Allison his . . . Heirs and Assigns in fee simple as by his or their Counsel learned in the Law shall be devised advised or required,

In Witness whereof the said Parties to these Presents have hereunto interchangeably set their Hands and Seals Dated the Day and Year first above written.

Sealed and Delivered

in the Presence of

Jos. Boggs

Robert Smithy

Received on the Day of the Date of the above written Indenture of the Above named David Allison Esquire . . . the sum of Five Shillings . . . being the Consideration Money above mentioned
Witness our Hands.

Witness present

Jos. Boggs

Robert Smithy

On the Fourteenth Day of May in the year of Our Lord One thousand seven hundred and ninety-five

Before me William Patterson one of the Associate Justices of the Supreme Courts of the United States . . . Personally appeared Andrew Jackson Esquire and James Grant above named, and acknowledged the above written Indenture to be their Act and Deed for the Purposes therein mentioned, and desired the same may be Recorded as such.

Wm. Patterson

(REVERSE SIDE OF THE ALLISON INDENTURE)

This Deed Registered the eighth Day of July One thousand seven hundred and ninety five in the Register's office of Hawkins County Libre E . . . page 134

Thomas Jackson in Reg. (red seal)

State of Tennessee Register's (*sic*) Office, October 18th, 1820 Stewart County there the within Deed with the Certificates was duly Registered in Book No. 6 page 263

David Hogan Reg. (red seal)

(Identifying endorsement of folded deed)

216

7

13

May 14, 1795

Deed

John Overton Esquire by his Attornies

Andrew Jackson)

&

James Grant)

) esquires

To

David Allison

for 5 tracts, 25,000—Granted by North Carolina (*sic*)
to John Rice by Grants Nos. 80—288—284—285 & 292.

INDENTURE

between

David Allison

and

Elisha Buckingham Hopkins and George Wescott

January 4, 1797

THIS INDENTURE MADE the 4th day of January in the year of our Lord 1797 Between David Allison of the City of Philadelphia Esquire of the one part, and Elisha Buckingham Hopkins and George Wescott both of the same place, Merchants, of the other part:

WITNESSETH that the said David Allison for and in consideration as well of the sum of one dollar Silver money of the United States to

Received the day of the date of the above Indenture of the above-named Elisha B. Hopkins and George Wescott the sum of one dollar the consideration money above mentioned

David Allison

Witnesses at signing

Jacob Hoffman

Edu. J. Hughes

(REVERSE SIDE OF THE ALLISON, HOPKINS-WESCOTT
INDENTURE)

Know all men by these Presents, That Elisha Buckingham Hopkins, One of the Grantees in the within Indenture named, and Sarah his Wife, as well for and in consideration of the Sum of Five Shillings in lawful Money of Pennsylvania, to them well and truly paid by George Wescott, the other Grantee within named, at or before the Sealing and Delivery hereof the Receipt whereof is hereby acknowledged, as for divers other good Causes and valuable consideration, them the said Elisha Buckingham Hopkins and Sarah his Wife more especially thereunto moving *Have* granted, bargained and sold, aliened, enfeoffed, released and confirmed and by these Presents *Do* grant, bargain and sell, alien, enfeoff, release and confirm unto the said George Wescott and to his Heirs and Assigns *All that* the One full equal and undivided Moiety or Halfpart of him the said Elisha Buckingham Hopkins of and in *All those* Five certain Tracts or Parcels of Land in the within Indenture mentioned and described, lying and being in the Western District in the State of Tennessee and Containing Five Thousand Acres each, which by the within Indenture was granted and Conveyed unto the said Elisha Buckingham Hopkins his Heirs and Assigns forever.

Together with all and singular the Ways, Woods, Waters, Water-Courses, Mines, Minerals, Rights, Liberties, Privileges, Hereditaments, and Appurtenances whatsoever thereunto belonging or in any wise appertaining and the Reversions, Remainders, Rents, Issues, and Profits thereof *And also* all the Estate, Right, Title, Interest, Use, Possession, Property, Claim and Demand whatsoever of them, the said Elisha Buckingham Hopkins and Sarah his Wife at Law or in Equity or otherwise howsoever of, in and to the same *To have and to hold* the said One full equal and undivided Moiety or Halfpart of and in the within mentioned and described Five several Tracts of Land and Premises with the Appurtenances unto the said George Wescott and to his Heirs and Assigns, To the only proper Use, Benefit and Behoof of him the said George Wescott his Heirs

In testimony whereof I have hereunto set my hand and caused the seal of the Mayoralty of the said city to be here affixed this twenty eighth day of January—one thousand seven hundred and ninety seven

Hilary Baker

(a large paper seal of the City of Philadelphia)

and Assigns forever. *And* the said Elisha Buckingham Hopkins and his Heirs the said Premises hereby granted or mentioned or intended to be hereby granted with the Appurtenances unto the said George Wescott and to his Heirs and Assigns against him the said Elisha Buckingham Hopkins and his Heirs and against all and every other Person and Persons whomsoever lawfully claiming or to claim by from or under him or them or any or either of them shall and will well and truly Warrant and forever Defend by these Presents.

In Witness whereof the said Elisha Buckingham Hopkins and Sarah his Wife have hereunto set their Hands and Seals, the Twenty Ninth day of November in the Year of our LORD One Thousand Seven Hundred and Ninety Seven.

Sealed and Delivered in the presence of us

Elisha B. Hopkins (red seal)

Sarah Hopkins (red seal)

Philip J. Dunn

Robert Wescott

Wm. Wescott

Geo. Meminger

I do hereby Acknowledge to have received from the above named George Wescott the full Consideration for the above granted and Conveyed Premises.

Witness my hand

Elisha B. Hopkins

Witnesses present at signing

Philip J. Dunn

Wm. Wescott

CITY OF PHILADELPHIA SS:

Before me Hilary Baker, Esquire, Mayor of the City of Philadelphia in the Commonwealth of Pennsylvania, Personally appeared Elisha Buckingham Hopkins and Sarah his Wife, the Grantors in the above written Deed Poll, named and in due form of Law Acknowledged the same to be their Act and Deed and desired that it may be Recorded as such.

The said Sarah being of full age, secretly and apart from her said Husband by me thereon examined and the Contents thereof first made known unto her did declare and say, That she executed the same of her own free Will and Accord without any persuasion, Threats or Compulsion of her said Husband or fear of his displeasure or any undue influence whatsoever.

In testimony whereof I the said Mayor have to these Presents set my Hand, and caused the Seal of the Mayoralty of the said City to be thereunto affixed the Eighteenth Day of January, in the Year of *OUR LORD* One Thousand Seven Hundred and Ninety Seven

Hilary Baker

Mayor

Deed

David Allison Esqr.
to

Elisha B. Hopkins and George Wescott as Tenants in Common in Moieties for 25,000 Acres Land in the State of Tennessee. Granted by the State of N. Carolina to J. Rice by Grants No 80, 288—284—285 and 292.

Also Deed

Elisha B. Hopkins and Wife
to

George Wescott

for his Moiety of the same State of Tennessee, Register's Office Stewart County, October 19th, 1820 the above Deed with all the Certificates annexed thereto is duly Registered in Book No 6 page 269 & 270

David Hogan Reg.

State of Tennessee, Knox County
The within Deed Poll, with the Receipt and Several Probates thereto Relating are Recorded in Book E, pa 35, 36.

Tho Chapman Regr.

April 6, 1798. Knox County
Before me, David Campbell _____
_____ State of Tennessee _____

_____ David Allison sign seal and deliver the within Instrument of _____ thereunto _____ Elisha Buckingham Hopkins sign seal and deliver the other instrument thereunto annexed for the purposes therein mentioned

Feb. 24, 1798 *David Campbell*
Let them be registered