

Deed

State of North Carolina

Henry London
Trustee
State of North
Carolina

Whereas on the day of 1854, the Cape Fear and
 Deep River Navigation Company, by their deed of that
 date, duly proved and registered, in the registry of Chatham
 and other counties, did convey to Henry T. London
 in trust to secure certain debts and liabilities of said
 company in the said deed named and specified, all
 the right and interest of the said Company, in the
 works, improvements, fixtures and all other property
 real personal and mixed of said Company, as well
 that which was then owned or any which might thereafter
 be acquired, And whereas afterwards to wit, on the 2^d
 day of May 1858, the said company in pursuance of an Act
 of the General Assembly of the State, passed at its session
 began and held on the said Monday of November 1854
 did convey to his Excellency Thomas Bragg Esqr, the
 Governor of the State and his successor in office, all their
 right and interest in the property and estate in the said
 deed of 1854, mentioned and described, and also all the
 estate real and personal, then belonging or which might
 thereafter belong unto the said company, including in said
 property all the works and improvements then constructed and
 such as might thereafter be constructed, together with all
 their timber, lumber and other materials, as well as all
 lands and improvements thereon, structures, fixtures and
 appurtenances thereunto belonging, together with all steam
 and row boats, then owned, or which might thereafter be
 owned by said company or in any way belong or appertain
 thereto, for and in consideration of the undertaking by

the state to endorse the bonds of said company to the amount of three hundred thousand dollars, to be issued payable to the Treasurer of the state and by him endorsed on behalf of the state, redeemable, one third thereof, on the first day of January 1865; one third on the first day of January 1875; and the remaining third on the first day of January 1885; and bearing interest payable semi-annually, on the first days of January & July, the payment whereof was secured by a pledge of the profits of said company, when said bonds were in fact issued, endorsed and duly delivered to the said company. And whereas the interest on said bonds being unpaid in part, and the affairs of the company becoming embarrassed, a sale was contemplated under the deed of 1854 and thereupon it was enacted by the General Assembly at its session held on the said Monday of November 1858, C. 142, that if ^a the sale of the property and effects of the Cape Fear and Deep River Navigation Company shall take place at any time before the year 1861, the Governor, or his duly authorized and empowered agent, is hereby authorized and empowered to bid at his discretion not exceeding the sum of \$450,000. and should he become the purchaser, he shall take a conveyance thereof to himself and his successors in office which shall rest absolutely in the State of North Carolina all the property, corporate powers, franchises and privileges of said company. And by said Act it was furthermore provided that in case the State should become the purchaser as aforesaid, it should pay off such debts and liabilities of

said company, ~~not exceeding sixty five thousand~~ as
 might have a prior ~~claim~~ ^{claim} to those of the state, on the
 property and effects of said company, not exceeding
 Sixty Five thousand Dollars, and whereas the said
 company, afterwards at a general meeting of the stock
 holders, assented and directed that the trusts for
 which their several conveyances had been made,
 should be closed and directed that their entire
 property should be sold by the said Henry A. London
 and the funds applied or held in satisfaction and
 security of the debts and liabilities of the company
 due and becoming due according to the priority
 secured in and by said conveyances

And whereas, thereupon by and with the consent of his
 Excellency, Jas. W. Ellis Esq. then and now Governor
 of the State and the said Henry A. London, Trustee as
 aforesaid, a sale of all the said property, estates and
 effects of the said company, as well as that mentioned
 and contained in said deeds as all others since
 required, was held at Pittsboro, in the said County
 of Chatham on the 23rd day of April 1859, after due
 advertisement thereof, and the same and every part and
 parcel thereof were purchased at said sale by his Ex-
 cellency Jas. W. Ellis Esq. for and in behalf of
 for the use of and benefit of the state, price Three
 Hundred and Sixty Five Thousand dollars.

Now therefore this Indenture made on this 26th
 day of August in the year of our Lord, one Thousand
 Eight Hundred and Fifty Nine, between the said

Henry A. London, of the said County of Chatham of the
 one part and his Excellency, the said Jno W. Ellis Esq
 as Governor of said of the other part, this month that
 the said Henry A. London as Trustee of said and
 agent of the said Company for and in consideration
 of the sum and the sum of one dollar both
 bargained and sold and by these presents doth bar-
 gain & sell, assign, release and transfer to the said Jno
 W. Ellis, as Governor of said, all the said property
 estate and effects, which are mentioned, contained
 or described in either or both of said deeds, the
 same being all the estate real, personal or mixed
 conferred upon the said Company, by their charter
 or acquired by said Company in virtue of their
 corporate capacity, or in any way appertaining or
 belonging to them, embracing among the articles of
 personal property, hereby conveyed, a Steam boat
 called John H. Haughton, one flat boat, lately at
 Lockville, one guard boat, lately at the same place
 one other flat boat, lately at Fox Island, about
 1615'6 ft of Timber at Cain's Mills. Lick and Gate
 Crows at ¹⁷Lockville, a quantity of Spikes and Nails
 about 17000 ft of Timber at Buckhorn, about 32
 000 ft of Timber at Mc Mills, about 38000 ft of
 Timber at Red Rock, about 15000 ft of Timber at
 Red Rock and a parcel of Kicks for packing at
 Hawk Bridge and Mc Millers.

do have and to hold the same, property and estate
 real, personal and mixed, with all the appurtenances

ces thence belonging or in any wise thence of-
 pertaining to him, the said Jno. W. Ellis, as Governor
 of said and his successors in office, for the sole
 use and benefit and behoof of the State of North Carolina
 And the said Henry A. London, doth hereby cov-
 enant and agree with the said State of North Carolina
 that he will forever warrant and defend the right and
 title of all and every part and parcel of said lands
 property and estate to the said State, against the
 claim and demand of all and every person whatsoever
 claiming the same, by, through or under him, the
 said Henry A. London or his assigns.

In testimony whereof, the said Henry A. London
 hath hereunto affixed his hand and seal this the
 day and year of aforesaid

Henry A. London (S.S.)

Witness

Graham Davis.

Probated the 4th day of November 1859.
 Registered at Pittsboro Chatham Co. N. C.
 at Office of Register of Deeds. Book A. B. pp. 557²

RecdG. J. Williams
Sheriff
toA. B. Andrews

Know all men by these presents, that I, G. J. Williams Sheriff of the county of Chatham, by virtue of sundry Ven. Exes. in the following cases, one in favor of W. D. Smith against J. N. Clegg, W. S. Downer & G. O. Armage, for \$1456.46. with interest from Feb. 14. 1867. one in favor of Elias Bryan against same for \$1467.11. with interest from Aug. 14. 1866. one in favor of S. Adams for \$1040.00. with interest on \$1000. from Nov. 11th 1867. The above issued from the Court of Pleas and Quarter Sessions for Chatham County, also one in favor of Joseph Rightway & Son, forming co-partners, trading under the name and style of Rightway & Furthing, against the same for \$701.46, with interest on \$658.77. from 9th day of Sept. 1867. issued from the Court of Pleas and Quarter Sessions for New Hanover County, and to me directed, did on the 13th day of April 1868, expose to public vendue, having previously duly levied and advertised the same agreeably to Law and of J. N. Clegg's interest and claim in and to a tract or parcel of land, on the waters of Deep River, in said county of Chatham, known as Lockville, and adjoining the lands of R. K. Smith, W. G. Harris & others and containing by estimation one thousand and two acres more or less, together with the appurtenances thereto belonging, at which sale, A. B. Andrews of the county of Granville and State of North

Carolina, became the last and highest bidder in the sum of thirty five dollars for the said land and appurtenances thereto belonging. Now I the said G. B. Williams, Sheriff of the County aforesaid for and in consideration of the sum of thirty five dollars to me in hand paid by the said A. B. Andrews at and before the sealing and signing of these presents, the receipt whereof I do acknowledge, I do hereby bargain sell alien enfeoff, convey and confirm unto the said A. B. Andrews, his heirs and assigns forever in as full and ample a manner as my office authorizes and empowers all the aforesaid tract of land and appurtenances.

To have and to hold to him the said A. B. Andrews his heirs and assigns forever in as full and ample a manner as I the said Sheriff am empowered by virtue of my office. And further I the said Sheriff, do hereby promise, covenant and grant to and with the said A. B. Andrews, his heirs and assigns, that the said A. B. Andrews, his heirs and assigns shall and may from time to time and of all times hereafter, have, hold, possess occupy and enjoy the said premises with the appurtenances free and clear of and from all incumbrances had, made, done or committed by me, the said Sheriff, or by my order or procurement and that I will warrant & defend the same to him his heirs and assigns forever, so far as my office of Sheriff will admit and no farther.

In witness whereof I have hereunto set my hand and seal this 13th day of April 1868

G. J. Williams Sheriff (S.S.)

Signed sealed and delivered }
in the presence of }
Jno Manning Jr }
}

Probated Nov. 17th 1868

Registered at Clerk's office in Pittsboro Chatham
County, Book A. N. pp. 96 &c -

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

Deed State of North Carolina
G. J. Williams Chatham Co 3

To
Deep River
Manufacturing
Company.

Know all men by these presents that the undersigned, Sheriff of Chatham County and State above written by virtue of an execution issued from the Superior Court of said County, in the case following to wit, John H. Haughton, Plaintiff against the Cape Fear and Deep River ~~Navigational~~^{Manufacturing} Company defendants as of record doth appear, having levied said execution on the franchise of the said Cape Fear and Deep River Navigation Company hereinafter described on the 6th day of Jan. 1873, and having made advertisement according to law and sold said franchise at public sale for cash on the 1st day of July 1873, at the Court House door in said County, when and where the Deep River Manufacturing Company of the County of Chatham and State of North Carolina, became the last and highest bidder at the sum of Twenty Seven Thousand five hundred and Eighty Two ⁴/₁₀₀ dollars which said sum has been paid to the undersigned in accordance with the terms of said sale.

In consideration of the premises and further consideration of the purchase money paid as aforesaid by the said Deep River ~~Navigational~~^{Manufacturing} Company the receipt whereof is hereby acknowledged, hath bargained and sold and by these presents, doth bargain and sell unto the said Deep River Manufacturing Company and its assigns & executors, the right, title and

interest of said Deep River Navigation Company as aforesaid in and to the franchises of said company with all rights and privileges thereof so far as relates to the receiving fare of tolls on the Cape Fear River in the County of Cumberland and ~~the~~ ^{to} Hancock's Mills on Deep River in the County of Moore, for and during the term of ninety years fully to be complete and ended from this date, levied on as aforesaid. To have and to hold said franchise and privileges with its appurtenances to it the said Deep River Manufacturing Company, its successors and assigns for and during the full term of ninety years from this date in as full and ample a manner as the undersigned is empowered by virtue of his office to convey and assure the same.

And the undersigned, Sheriff as aforesaid, doth covenant, promise and agree to and with the Deep River Manufacturing Co. its successors and assigns that it and they shall and may at all times during said term, have, hold, occupy, use and possess said franchise & privileges free and clear of and from all incumbrances, had, made or done by the undersigned or by his order, means or procurement and that the undersigned will warrant and defend said franchise & privileges to the Deep River Manufacturing Company its successors and assigns during said term, so far as his said office of Sheriff will authorize and enable him to do and no farther.

An testimony whereof the undersigned Sheriff
 as aforesaid, hath hereunto set his hand and seal
 this seventh day of July 1873

E. J. Williams Sheriff (S.S.)

Signed, sealed and delivered
 in the presence
 of Jno. Manning }
 By Jas. Casser Deft.

Probated June 12th 1875 -
 Registered in Book A.S. p. 46 &c

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

Deed
Managers
of the
State of N. C.
To
Deep River
Manufacturing

Whereas, by an Act of the General Assembly, passed at its session 1860 & 1861, ratified Feby 23. 1861 the same being Chap. 122 of said acts, entitled "an Act to provide for a continuation of the improvement of Cape Fear & Deep River black water navigation" it was enacted by Sec. 3rd of said Act, that the commissioners of the Cape Fear and Deep River Navigation works be and they are hereby authorized and required to sell as soon as they may deem advisable, the states interest in said works upon such terms as they may deem best and whereas the following persons, commissioners as aforesaid, viz. His Excellency, Gov. R. Caldwell, Governor of the State of North Carolina. Thos. S. Lulluloh, Kenneth Murchison, A. R. McDonald and Geo. J. Moffitt duly assembled in the Executive office of the Governor in the city of Raleigh, on the 3rd day of June 1873, did authorize and direct, the sale of the States interest in said works to be made after due advertisement at Lockville, the 8th day of July by H. T. London, Sec. and B. J. Horroze, Attor. of the Board, as by reference to said resolution will more fully appear from the books of said commissioners and whereas on said 8th day of July at Lockville, the said commissioners did authorize and direct said sale to be made, on the following terms to wit; That all of the States interest in the Cape Fear and Deep River Navigation works be sold for cash at the said at any

time within thirty days from date of sale and upon the payment of the same by the purchaser, the deed to be made to him or them. 2nd That said Cape Fear and Deep River Navigation works be divided into two sections, one called the upper section, commencing at Fox Island dam, on the Cape Fear River including the same and extending up the said River and Deep River so far as the limits of the original charter of the Cape Fear & Deep River Navigation Company, the second, called the lower section, extending from said Fox Island dam to the Town of Fayetteville.

3rd That the purchaser or purchasers shall complete the said upper section so far as in including the locks and dams at Carabenton on Deep River, within five years from the day of sale, and if said section is not completed in said time, then the purchaser or purchasers, shall forfeit all the rights, title, and interest acquired by the sale of this date, and the same shall revert to the State of North Carolina in the same kind, quality and condition as the said State had and possessed immediately preceding said sale and the forfeiture is to be in full for all damages on account of said failure.

4th That the purchaser or purchasers shall complete said lower section, within ten years from the day of sale and on failure to do so shall forfeit and surrender to the State of North Carolina

all the right, title and interest acquired by this sale in such portion of said section as shall not be completed within said time, and that said forfeiture shall be in full of all damages for and in account of said failure and whereas the said Henry A. London, Sec. and B. J. Howze Attorney as aforesaid did on said 8th day of July 1873 at Lockville in Chatham County, after due advertisement offer at public auction to the highest bidder, the State's interest, in the said Cape Fear & Deep River Navigation works according to the terms, above set forth and whereas at said time and place the "Deep River Manufacturing Company, a company duly incorporated by the State of North Carolina, with full power to take and hold real estate, became the purchaser, it being the best and highest bidder at the price of Twelve Hundred Dollars and has paid the same.

Now therefore this indenture. Witnesseth that the said J. B. Caldwell, Governor of the State of North Carolina and ex officio, a member of the Board of Managers and Commissioners of the Cape Fear and Deep River Navigation works and Wm. S. Lattuloh, Kenneth Murchison, A. R. McDonald, and Geo. J. Moffitt, managers & Commissioners as aforesaid for in behalf of the State of North Carolina and by virtue of the authority and power hereinbefore recited and in consideration of the sum of Twelve Hundred

Dollars, to them in hand paid by the Deep River Manufacturing Company, the receipt whereof, is hereby acknowledged, have given, granted, bargained and sold unto the said Deep River Manufacturing Company its successors and assigns all the interest of the State of North Carolina in the "Cape Fear and Deep River & Navigation works" from Fayetteville on the Cape Fear River in the County of Cumberland to Hancock's Mills on Deep River in the County of Moore in as far as the original charter of the Cape Fear & Deep River Navigation Company extends up Deep River.

To have and to hold the interest of the State of North Carolina in the Cape Fear and Deep River Navigation works to the said Deep River Manufacturing Company its successors and assigns so far upon and with the conditions, qualifications and restrictions herein before recited and according to the tenor and meaning of an act of the Gen. Assembly of North Carolina, ratified Feb. 13th 1861 and hereinafter recited

In testimony whereof, the members of the Board of Managers of the Cape Fear & Deep River Navigation works do hereunto affix our hands & seals this 16th day of July 1873.

Attest
J. P. Howze }

K. M. Murchison (S.S.)
J. J. Moffel (L.S.)
S. B. Lulluloh (L.S.)
A. R. Mc Donald (L.S.)

Registered, Nov. 13 1873
Reg. Book. A R. pp. 95 & c