

**2 October 1843**

**Waller & Wife to Foote - Deed of Trust**

**Use of Isreal B. Thompson**

**Deed Book 18, page 73**

This Indenture made this seventh day of September in the year of our Lord one thousand eight hundred and forty three, between William Waller and Frances his wife of the County of Prince William and State of Virginia of the first part and Isreal B. Thompson of the County and State afore said of the second part and Frederic Foote of the same County & State of the third part Witnesseth whereas the said William Waller is indebted to the said Isreal B. Thompson in the sum of eleven hundred dollars for the payment of which the aforesaid Waller hath this day executed five several Bonds payable as follows to wit, the first Bond payable the first day of September eighteen hundred and forty four for two hundred dollars the second payable the first day of September eighteen hundred and forty five for two hundred dollars the third payable the first day of September eighteen hundred and forty six for two hundred dollars The fourth payable the first day of September eighteen hundred and forty seven for two hundred dollars The fifth payable the first day of September eighteen hundred and forty eight for three hundred dollars The four first bonds bearing interest from the dates they respectively become due, and the last Bond bearing interest from the first of September eighteen hundred and forty seven And the said Waller being desirous of securing to the said Thompson the said several sums with the Interest that may accrue thereon. Now for and in consideration of the said several debts and interest and also in consideration of the sum of one dollar to him the said William Waller in hand paid by Isreal B. Thompson at the time of the sealing and delivering of these presents the receipt whereof is hereby acknowledged he the said William Waller and Frances his wife have granted, bargained and sold and, by these presents do grant bargain and sell to the said William Foote third party to these presents a Water Grist Mill and Saw Mill together with a Lot of Ground attached thereto containing by estimation sixteen acres be the same more or less the same being on the Waters of Catharpin in the County of Prince William in the State of Virginia which was purchased by Isreal B. Thompson of Robert Brooke and by said Thompson conveyed to William Waller by deed bearing date the second day of September one thousand eight hundred and forty three for a further description of said Lot reference is had to a deed of Charles Hunton Esq. made to Robert Brooke being all the land thereby conveyed to said Brooke to have and to hold all the aforementioned property to the said Frederick Foote and his heirs in trust nevertheless to and for the following uses intents and purposes. That is to say in case the said William Waller shall fail to pay the said several sums and interest which may accrue as aforesaid then the said Frederick Foote trustee as aforesaid shall sell the same for the highest price that can be obtained for the same at Public Auction for ready money he having advertised the sale of the same in some newspaper published in Leesburg at least ninety days previously to such sale and out of the proceeds thereof the said Frederick Foote trustee shall in the first place payable expenses of advertising and the said trustees legal fees and then pay the amounts which may be then due the said Thompson on all of the said Bonds and Interest and on such payment being made the said Frederic Foote shall and may make a deed of conveyance to the purchaser in fee simple, and if there be any excepts their left the same he paid to the said William Waller or such person as may be legally authorized to receive it in his behalf. But if the said William Waller shall well and truly pay the said several sums and Interest then this and every part thereof shall be void and of non effect and the said Frederic Foote trustee as aforesaid oath for his heirs covenant and agree that he and they will well and truly execute and fulfill the powers vested by their deed of trust according to the true intent and meaning thereof in testimony whereof the parties to these presents have hereunto set their names and affix their seals the day and year first above written.

William Waller (seal)

Frances Waller (seal)

F. Foote (seal)

Prince William County, State of Virginia

We George G. Tyler and James M. Tyler justices of the peace in and for the said County in the State of Virginia do hereby certify that William Waller, Isreal B. Thompson and Frederic Foote parties to a certain deed bearing date the second of September in the year of our Lord, One Thousand Eight Hundred and Forty Three and hereunto annexed personally appeared before us in our County aforesaid and acknowledged the same to be his act and deed and desired us to certify the said acknowledgment to the Clerk of the County Court of Prince William County in the State of Virginia in order that the said deed may be recorded. Given under our hands and seals this seventh day of September 1843.

Geo.G. Tyler (seal)

J. M. Tyler (seal)

Prince William County Viz.

We George G. Tyler and Jas. M. Tyler, justices of the peace in the county aforesaid in the State of Virginia do hereby certify that Frances Waller wife of William Waller parties to a certain deed bearing date the second of September in the year of Our Lord One Thousand Eight Hundred and Forty Three and hereunto annexed personally appeared before us in our county aforesaid in the State of Virginia and being examined by us privily, and apart from her husband and having the deed aforesaid fully explained to her, she the said Frances Waller acknowledged the same to be her act and deed and declared that she had willingly signed sealed and delivered the same, and that she did not wish to retract it. Given under our hands and seals this second day of September 1843.

George G. Tyler (seal)

J. M. Tyler (seal)

At a Court held for Prince William County, October 2nd 1843. This Deed of Trust from William Waller and wife to Frederic Foote (for the benefit of Isreal B. Thompson) may presented to the Court, with certificate annexed, and ordered to be recorded.

Teste, J. Williams C.C.