

Grady & Hawthorn
vs
Wymann Bird & Co

The State of South Carolina

This Covenant and Mortgage made
the day of May in the year of our
Lord one thousand eight hundred and sixty

is between John W. Grady and David O. Hawthorn of the first part
and Samuel G. Wymann George H. Bird William Gregg Sr and James
C. Smith known trading and dealing under the name Wymann
Bird and Company of the city of New York of the
second part Witnesseth as follows. Whereas by a previous arrange-
ment made since the first of January last the firm of Grady
Hawthorn and Perry of Greenville District in this State of which
the said first party two members were allowed to draw upon the
said second party for a large amount of money and to pay the
same by shipments of Cotton yarn to said second party for sale
and since then the said firm of Grady Hawthorn and Perry has
been dissolved by mutual consent and the said first party become
liable and responsible for the balance due said second party by
virtue of the agreement made in accordance therewith by the
said second party to the said firm of Grady Hawthorn and Perry
over and above the shipments of said firm to the said second party
and whereas said second have agreed and by the acceptance
of this presents do agree with said first party to close the account
of the said firm of Grady Hawthorn and Perry and charge the
balance due by said first to them the said first party and furthermore
to advance for said first party upon their drafts or bills of exchange
drawn upon them the second party a certain sum of money which
with the balance transferred from the account of said firm of
Grady Hawthorn & Perry shall amount to the sum of Twenty Five
Thousand Dollars over and above the usual advancements made
by consignments and as has been agreed upon by the said second
party with the firm of Grady Hawthorn & Perry therefore in
consideration of these premises and the sum of five dollars in
hand paid the receipt whereof is hereby acknowledged the said
first party covenant and agree with the said second party to
ship to them the said second party upon consignment and for sale
upon commission the manufactures and productions of the
Webb Factory of Greenville District of this State of which
they are the sole proprietors until their said account and the
advancements above mentioned shall be fully and satisfactorily
balanced and paid, and for the same consideration they the
said first party have granted bargained sold released conveyed
and mortgaged and by these presents do grant bargain sell
release convey and mortgage to the said second party all that
tract or parcel of land situated being and being in Greenville
District of this State onuddy River adjoining lands of J. H.
Ashman and others containing four hundred and thirty nine
acres more or less known as the Webb Factory tract of
land and more particularly described in a conveyance
from Waddy H. Ben to John W. Grady David O. Hawthorn
and Melville Perry recorded in the office of the recorder

of Meigs Conveyance for Greenville District of this State. Together
with all and singular the rights, memhs hereditaments appurte-
nances, Mills houses machinery and privileges thereto belonging
or in any wise incident to them and to hold the same to them
the said second party, their heirs and assigns forever. It is covenanted
always and it is the express understanding of these parties
that if the said first party shall clear pay or settle their account
with said second party, so that they the said second party shall be
fully indemnified and satisfied here and thereunto their parents
shall be utterly null and void and of no effect whatsoever any
thing to the contrary herein contained notwithstanding and it is
further covenanted and resumed that the said first party
shall have three months on which to settle the above account
and a further time hereafter until the said second party shall
have given them the first party three months notice of their discon-
tinuance the above arrangements or covenant
Given under our hands and seals at Greenville Court House
in Greenville District of this State on the day and in the year
above written
Signed sealed and delivered }
the presence of }
Samuel Donald } \$25 21 Juny
W. M. Thomas } 1864
Thomas & Co Miles }

State of South Carolina, J. W. M. Thomas Notary Public
Greenville District and Ex officio Magistrate for the
district aforesaid do hereby certify unto all whom it may
concern that Elizabeth Hawthorn wife of the within named David
O. Hawthorn and Louisa W. Grady wife of the within named John
W. Grady did this day appear before me and upon being privately
and separately examined by me did declare that do freely volun-
tarily and without any compulsion dread or fear of any person
or persons whomsoever renounce release and forever relinquish
unto the within named Samuel G. Wymann George H. Bird and
James C. Smith their heirs and assigns all their interest and estate
and also all right and claim of power of in or to all and singular
the premises within mentioned and related
In witness whereof Signed this in my presence
Given under my hand and seal this first day of June A.D. 1864
W. M. Thomas N.P. & Ex. off. M. G. Louisa W. Grady
Elizabeth Hawthorn

State of South Carolina, Personally came before me William M. Thomas
Greenville District, who being duly sworn dep. that he saw John
W. Grady and David O. Hawthorn sign seal and as their act and deed
delivered the above conveyance and mortgage and that Samuel Donald
was with himself a subscribing witness as to David O. Hawthorn and
that W. M. Miles was a subscribing witness with him as to John W. Grady
sworn to before me & subscribed this 21st June 1864
W. M. Thomas
Ex p. 9 ment Ex. off. Recorded 21 June 1864