

HISTORICAL RESEARCH REPORT  
THE MARKS HOUSE  
OF ALBEMARLE, STANLY COUNTY  
by  
Bruce S. Cheeseman

APPENDIX A

Public Laws of North Carolina 1840-1841, c. 13: "An Act to lay off and establish  
a County by the name of 'Stanly'"

1840-41. COUNTY. they could have done previous to the creation of the County of Caldwell, *Provided, nevertheless*, that the Sheriffs of Burke and Wilkes Counties shall not collect any taxes in the County of Caldwell, or of the citizens of said County, imposed by the County Courts of Burke and Wilkes, and which are to be collected in the year one thousand eight hundred and forty one; but that the same may be collected upon the tax duplicates of the Clerks of Burke and Wilkes, by the Sheriff of Caldwell, and be paid over to the use of Caldwell County.

Manner of drawing Jurors.

XV. *Be it further enacted*, That the Courts of Pleas and Quarter Sessions of Burke and Wilkes, shall have power until a Superior Court is created for Caldwell, to draw Jurors from said County as heretofore for Burke and Wilkes Superior Courts, and the Jurors so drawn shall be summoned by the Sheriff of Caldwell, and for non-attendance, shall be subject to the same penalties as are now prescribed by law.

Time of holding the County Court of Burke changed.

XVI. *Be it further enacted*, That the Courts of Pleas and Quarter Sessions for the County of Burke, heretofore held upon the fourth Monday in July and January, shall after the first day of March next, be held upon the third Monday in July and January in each and every year; any law to the contrary notwithstanding.

Act to go into immediate effect.

XVII. *And be it further enacted*, That this Act shall be in force from and after its ratification.

[Ratified, the 11th day of January, 1841.]

CHAPTER XIII.

An Act to lay off and establish a County by the name of "Stanly."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a County shall be, and the same is hereby laid off, and established in the territory now comprehended in the Western limits of Montgomery County, in manner as follows, viz: That the Rivers Pedee and Yadkin, as now running through the County of Montgomery, shall be the dividing line between the County of Stanly and Montgomery; and all that part of the present County of Montgomery, lying and being West of the said Rivers, Pee-dee and Yadkin, shall hereafter constitute a separate and distinct County, to be called and known by the name of Stanly; and it shall be, and is hereby invested with all the rights, privileges and immunities of the other Counties of this State, except as is hereinafter provided.

County of Stanly erected

II. *Be it further enacted*, That all Justices of the Peace, and Officers of the Militia, who reside within the limits of the County of Stanly, shall continue to hold and exercise all the official powers and authorities in and for the said County, that they have hitherto held and exercised in and for the County of Montgomery.

Justices of the Peace & other officers within the limits of Stanly to continue in office.

III. *Be it further enacted*, That a Court of Pleas and Quarter Sessions shall be, and the same is hereby established, in and for the said County of Stanly, to be held by the Justices last aforesaid, and such others as may be appointed, in and for said County, on the fourth Monday of January, April, July and October, in each and every year; the first Session of which, on the fourth Monday of April next, shall be held, at or near the House of Eben Hearne, when the Court aforesaid, a majority of the whole number of Justices of said Court being present, shall appoint a Clerk of said Court, a Sheriff,

Times of holding the County Courts.

a Coroner or Coroners, Constables, and other Officers for said County, who shall enter into bonds as required by law, and shall hold and continue in said offices until successors to them are duly chosen and qualified, according to the Acts of the General Assembly in such cases provided. And said Court, at its first Session as aforesaid, may appoint the place of its future Sessions, until a Court-House shall be erected for said County.

Commissioners for fixing on a Seat of Justice.

IV. *Be it further enacted*, That Parham Kirk, Daniel Palmer, Mathias Moose, Senior, John Little, Jacob Elford, Edward Davis, Richard Stoker, Sen. James Allen, William Swaringen, or any five of them, shall have power to act in this behalf, he and they are hereby appointed Commissioners to select and determine upon a suitable place for a permanent Seat of Justice in said County, which shall be within eight miles of the house of Eben Hearne, as aforesaid, and shall purchase, or receive by donation, for the use of said County, a tract of land containing not less than Fifty Acres, to be conveyed to the Chairman of the County Court, and his successors in Office, upon which they shall lay off a Town the name of which shall be determined by themselves, in which the public Court House and Jail of said County shall be erected; and after the completion of the same, the Courts of said County shall be held, and the Clerk's Office shall be kept in said Town.

And lay off a town.

And dispose of the lots.

V. *Be it further enacted*, That the Commissioners aforesaid, after laying off the lots of the Town aforesaid, shall designate such as shall be retained for public uses, shall expose the residue to public sale upon a credit of one and two years, and shall take bond, with security for the payment of the purchase money, in favor of the Chairman of the County Court and his successors in Office; and the said Chairman shall execute titles therefor, upon the payment of the purchase money, which shall go into the County Treasury, and the said Court of Pleas and Quarter Sessions may levy taxes for all public uses, under the same rules, regulations and restrictions, as like Courts in other Counties.

VI. *Be it further enacted*, That all persons who may be liable to imprisonment, under any process whether civil or criminal, in said County, before the completion of the public Jail therein, may be committed to the Jail of any adjoining County, in like manner as when a Jail has been destroyed by accident.

Persons liable to imprisonment before the completion of the Jail, to be committed to the Jail of any adjoining county.

VII. *Be it further enacted*, That the Court of Pleas and Quarter Sessions established by this Act, and the Superior Courts of Law and Equity, which may be hereafter provided for said County, shall have the like provisions, authorities and jurisdiction, as the same Courts possess and exercise in other Counties, and all suits now pending in any of the Courts of Montgomery County, wherein the citizens of Stanly are both Plaintiffs and Defendants; and all indictments against them, or any of them, shall be transferred to the Court having jurisdiction thereof in the County of Stanly, in the manner now prescribed for transferring suits from one County, to another.

Courts established in Stanly to possess like powers with those of other counties

VIII. *Be it further enacted*, That nothing in this Act contained, shall be so construed as to prohibit the Sheriff of Montgomery County from collecting such sum or sums of money as are due, or may yet become due, on any judgment, before the first Court of Pleas and Quarter Sessions of said County of Stanly; or any taxes whatever may have been laid previously to the passage of this Act. The said Sheriff of Montgomery County shall keep an accurate statement of the amount of taxes which he shall collect in the County of Stanly, in the year one thousand eight hundred and forty-one, and shall certify the same so received for public taxes, on oath, to the Comptroller, in his annual settlement in the year last aforesaid.

The Sheriff of Montgomery to collect such money as may be due to him in Stanly.

IX. *Be it further enacted*, That all criminal offences which may be committed in the County of Stanly, which are cognizable only in the Superior Courts of law, shall be and continue under the jurisdiction of the Superior Courts of law of Montgomery County, until a sufficient Court shall be erected by law for the County of Stanly.

Criminal offences in Stanly before the establishment of a Superior Court, to be tried in Montgomery.

Until otherwise provided the Counties of Montgomery and Stanly to be represented in the General Assembly as at present.

X. *Provided always, nevertheless,* That the County of Montgomery and Stanly shall continue to be represented in the General Assembly as one County, and in the name of the County of Montgomery, until a future Legislature shall otherwise provide and direct; and elections shall be held for Members of both Houses of the General Assembly, of Congress, Governor of the State, and Electors of President and Vice-President, by the Sheriff, or returning officer of Montgomery County, in all the territory heretofore comprehended within the limits of said County, and at the times and places, and under the same rules, regulations and restrictions as have been appointed or may hereafter be appointed by law; and the certificate of said Sheriff, or other returning officer, as to the result of said election or elections, shall be as valid and effectual to all intents and purposes, as if this Act had never been passed.

This Act to go into immediate effect.

XI. *And be it further enacted,* That this Act shall be in force from and after its ratification.

[Ratified this, the 11th day of January, 1841.]

#### CHAPTER XIV.

An Act supplemental to an Act, entitled "An Act to lay off and establish a County by the name of Stanly," and for other purposes.

Sup'r. Court provided for Stanly.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That there shall be a Superior Court of Law and Equity opened and held at or near the house of Eben Hearne, in the said County of Stanly, on the first Monday in September, and the first Monday in March, in each and every

Time of holding the Superior Courts.

year thereafter until a Court House shall be built, as provided for in said Act, at the Town therein provided to be established, then at said Town and Court House, on the first Monday in March and the first Monday in September, in each and every year thereafter, which Courts shall have the same jurisdiction that the present Superior Courts of Law and Equity in the several Counties in this State now have and exercise.

II. *Be it further enacted,* That the several Courts of Pleas and Quarter Sessions of said County of Stanly, as provided for in said Act, to be held on the fourth Monday in January, April, July and October, in each and every year, shall be held on the second Monday in February, May, August and November, in each and every year, with all the powers and authorities conferred in said Act, and shall have and exercise all the jurisdiction and powers of other County Courts in this State, provided that the Justices of the Peace in said County of Stanly, at the first County Court to be holden on the second Monday in February next, shall perform and execute all the duties and powers required of them to be exercised, at the County Court to be held on the fourth Monday in April, as provided for in said Act; and provided further, that nothing herein contained shall be so construed as to authorise the Courts of Pleas and Quarter Sessions of the County of Stanly to have and hold jurisdiction of, or to try and determine causes civil or criminal, in which the intervention of a Jury may be necessary.

Time of holding the County Courts.

III. *Be it further enacted,* That the next Fall Term of the Superior Court of Law and Equity for the County of Moore, shall be holden on the Monday before the last Monday in August next; and that the Superior Courts of Law and Equity for the County of Moore thereafter, shall be holden on the Monday before the last Monday in February and August, in each and every year thereafter, and that all process shall issue and be returnable accordingly.

The time of holding the Sup'r Courts in Moore C'ty altered.

IV. *Be it further enacted,* That the next Fall Term of the Superior Court of Law and Equity for the County of

Time of holding the Superior

APPENDIX B-1

Joshua Hearne & others to William Swaringen, Chairman ( March 2, 1841 )

Deed 50 acres, March 2nd 1841.

This Indenture made this second day of March in the year of our Lord one thousand eight hundred and forty one between Nancy Hearne of the County of Stanly & State of North Carolina, Joshua Hearne, Eben Hearne and Davidson Hearne of said County and State, Paul Miller and Lucy Miller of the County of Cabarrus in said State and Edmund Barringer and his wife Sarah of the County of Montgomery in said State of the one part and William Swaringen, Esquire, Chairman of the County Court in and for the County of Stanly in said State of the other part, Witnesseth that the said Nancy Hearne, Joshua Hearne, Eben Hearne, Davidson Hearne, Paul Miller & Lucy Miller his wife and Edmund Barringer and Sarah his wife for & in consideration of the sum of one Dollar to them in hand paid the receipt whereof is hereby acknowledged have given, granted, bargained & sold and by these presents do give, grant, bargain and sell unto the said William Swaringen Chairman as aforesaid the following tract or parcel of land situated lying and being in the County of Stanly aforesaid and bounded as follows, viz: Beginning at a red oak standing at the east end of Daniel Freeman's store in said County on the east side of the Concord Road and runs east twenty-two chains and forty links to a stake by a white oak and two post oaks and a red oak. Thence north twenty-two chains and forty links to a stake by four red oaks and a pine. Thence west twenty-two chains and forty links to a stake by a dogwood, three post oaks, and a red oak. Thence south twenty-two chains and forty links to the beginning containing fifty acres by the same more or less. To have and to hold the aforesaid tract or parcel of land with its appurtenances to the aforesaid William Swaringen Chairman as aforesaid and his successors in office forever to his and their only proper use and behalf which said land with its appurtenances is hereby conveyed to the said William Swaringen Chairman and his successors in office as a suitable place chosen by the commissioners appointed for that purpose by an Act of the General Assembly laying off & establishing the County of Stanly aforesaid passed at its last session for a permanent Seat of Justice in & for said County, but if the aforesaid tract or parcel of land should not be selected and confirmed as the Seat of Justice in & for said County, then this indenture to be void and of no effect.

The aforesaid Nancy Hearne, Joshua Hearne, Eben Hearne and Davidson Hearne and Paul Miller and Lucy his wife and Edmund Barringer and Sarah his wife for themselves, their heirs and assigns do hereby agree to warrant and forever defend the right & title in and to the aforesaid lands with its appurtenances to the said William Swaringen Chairman as aforesaid and his successors in office against the lawful claim of all persons. And they do hereby further covenant and agree with the said William Swaringen & his successors in office that they are seized in fee of said land with their appurtenances.

In testimony whereof the said Nancy Hearne, Joshua Hearne, Eben Hearne, Davidson Hearne, Paul Miller & Lucy Miller his wife & Edmund Barringer and Sarah Barringer his wife have hereunto set their hands and seals the day and year first above written.

It is hereby covenanted and agreed between the aforesaid bargainors in this deed of conveyance that upon the establishment of the Seat of Justice on the land hereinbefore conveyed that the said bargainors shall have power to reserve

& select for themselves and their heirs & assigns one Lot fronting the public square and shall not be obliged to pay anything for the same at the sale of said lots and that this conveyance is made upon that condition, which is a part of the consideration of the same.

Witness our hands & seals.

	her	
Witness	Nancy x Hearne	Seal
John L. Christian	mark	
M. W. Smart	J. Hearne	Seal
	Eben Hearne	Seal
	D. Hearne	Seal
	Paul Miller	Seal
	Lucy Miller	Seal
	Edmund G. L. Barringer	Seal
	Sarah Barringer	Seal

State of North Carolina

On the second day of March A. D. 1841 before me John M. Dick one of the Judges of the Superior Court of Law & Court of Equity in and for the State aforesaid came Paul Miller & Lucy Miller his wife, Edmund Barringer and Sarah his wife & together and in the presence of each other duly acknowledged the within to be their act and Deed for the purposes therein stated the said Lucy Miller & Sarah Barringer having been previously been examined by me separate & apart from their said husbands and privily acknowledged that they executed said deed voluntarily and without coercion on the part of their said husbands & that they do now freely assent thereto--At the same time came Nancy Hearne, Joshua Hearne, Davidson Hearne & Eben Hearne and duly acknowledged the within to be their act and deed for the purposes therein stated. Let this deed with this certificate be registered in the County of Stanly.

Jno. Dick J. S. C. L. E.

Office Register of Deeds Stanly County, N. C.

I hereby certify that the foregoing deed was filed in this office for registration March 22nd A. D. 1841 at 9 o'clock A. M. and duly registered.

W. T. Huckabee  
Register of Deeds

and voluntary Execution of the same doth state  
 That she signed the same freely & voluntarily  
 without fear or Compulsion of her said husband  
 or any other person & that she doth still voluntarily  
 assent thereto let the same with this Certificate  
 be Registered this 30<sup>th</sup> day of Dec. A.D. 1885  
 A.C. Foreman J.C.

I McRedwin do Mr Mark  
 State of North Carolina } This deed made  
 this Twenty fifth day of November 1884 by James  
 McRedwin of Stanly County and of North Carolina  
 of the first part to Elizabeth A Marks of Stanly  
 County & State of North Carolina of the second  
 part Witnesseth that said James McRedwin  
 in consideration of one thousand dollars to him  
 paid by Mr Mark the receipt of which is hereby  
 acknowledged & as bargained & sold & by this deed  
 do bargain sell & convey to said Mr Mark this  
 his all the right title interest and estate of the party  
 of the first part in and to a tract or town lot  
 of land in Stanly County State of North Carolina  
 adjoining the lands of in the town of Albemarle  
 All known as lots 39 40 part of 41 & part of 405  
 all of lot 4041 is conveyed by this indenture except  
 that portion owned by J McRevin Mullet bounds  
 & others bounded as follows viz of which which are  
 set forth in the deed to said Bivins & all of lots  
 & is conveyed by this indenture except that portion on  
 which the stone house stands Beginning at the South  
 West Corner of the Stone House on the Streets  
 & runs thence East to 2 poles thence to 45 poles thence  
 West to the line of the Streets thence with said  
 line to the beginning to have & to hold the said  
 lots or parcels of lands together with all the  
 appurtenances thereto belonging to him the said Mr  
 A Marks & his heirs forever To have & to hold the  
 aforesaid tract & lot & all privileges & appurtenances  
 thereto belonging to the said Mr A Marks his heirs  
 & assigns to have only use & behoof forever  
 and the said James McRedwin doth  
 That - he is bigged of said premises in fee &  
 his right to convey the same in fee simple

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That the same are free & clear from all  
 incumbrances & that he will warrant & defend the  
 same against the claims of all persons whom  
 he lawfully shall know the said Mr Redwin has  
 hereto set his hand & seal the day & year  
 above written  
 J McRedwin

State of North Carolina } J. A. Foreman Clerk  
 of the Superior Court do hereby certify that James  
 McRedwin appeared before me this day & acknowledged  
 the due Execution of the annexed deed of conveyance  
 Let the same be registered with this Certificate to be  
 registered within my hand & official seal this 5<sup>th</sup> day  
 of Nov A.D. 1884  
 J. A. Foreman J.C.

J Foreman, Wife of H. K. Kury Co of  
 State of North Carolina } This Indenture made this  
 the Eighth day of November in the Year Eighteen  
 hundred & seventy one between Jordan and Thomas  
 his wife Mary Foreman of the County of Stanly & State  
 of North Carolina of the one part & Henry Cooper  
 of the County of Stanly & State of North Carolina  
 of the other part Witnesseth that the said parties of the  
 first part for & in consideration of the sum of eight  
 hundred dollars to the said parties of the first part in hand  
 paid the receipt of which is hereby acknowledged  
 hath sold & conveyed & do hereby sell & convey to  
 the said party of the second part his heirs &  
 assigns all that tract or parcel of land lying  
 in the County of Stanly & State of North Carolina  
 bounded as follows viz Beginning at the West by  
 a Black Oak Joseph M. Hudson Corner & runs to  
 85 ft 6 chs & 50 links to a stake in said Foreman  
 Old land by 3 white Oaks thence with said stake  
 line to 2 wt 24 chs & 25 links to the Corner stake  
 thence to 51 ft 7 in 29 chs & 75 links to a stake in place  
 of a road & c. by a pine thence to 14 chs to a stake in  
 M. Johnson line thence with it to 82 & 13 chs & 30  
 to the corner thence his line again to 8 1/2 ft  
 to Ch 8 & 0 ft link to the Beginning containing  
 about two & 1/4 acres more or less And all that of  
 the said right title interest claim demand

1841

W. COOK TO W. THOMPSON

State of North Carolina: This indenture made this the eleventh day of  
 Montgomery County: in the year of our Lord one thousand Eight hundred &  
 forty between Wiley Cook of the State & county aforesaid of the one part & Wash-  
 ington Thompson of the same state & county of the other part Witnesseth that  
 whereof I the said Wiley Cook for & in consideration of the sum of one hundred  
 & fifty dollars to him in hand paid by him the said Washington Thompson the re-  
 ceipt & payment hereof is hereby acknowledged hath bargained sold & conveyed &  
 by these presents doth bargain sell & convey & confirm unto him the said Wash-  
 ington Thompson his heirs & assigns a certain tract or parcel of land situate  
 lying & being in the county state aforesaid on the waters of Camp branch adjoining  
 Darlin Allens heirs formerly called Finchis land & bounded as follows (to  
 wit) Beginning at a hickory by 2 post oaks & hickory pointers the 3rd corner  
 of the original tract & runs with said old line No. 2 East 30 chains 62½ links  
 to stake 3 red oaks & hickory pts. then So. 88 Est 30 chains with Allens line  
 to a stake 3 white oaks & spanish oak pointers then So. 2 Wt with one old mark-  
 ed line 30 chains 62½ links to a stake 2 pines red oak post oak pointers then  
 So. 88 Wt. 30 chains to the beginning containing ninety Eight acres & one half  
 be the same more or less to have & to hold the above described land with all  
 ways waters mines minerals thereunto appertaining that I the Wiley Cook do  
 bind myself my heirs & assigns forever to defend the right & title to the  
 above mentioned land against all other claims or claims as witness whereof  
 I have hereunto set my hand & affixed my seal the day & year above written  
 Signed & delivered in the presence of

intestened before assigned: Wiley Cook (Seal)  
 his mark

W Swarngen x :

State of North Carolina: November Session 1841  
 Stanly County : Then this deed was proven in open court by the  
 oath of Wm Swarngen & ordered to be registered.

D Hearne Clk  
 Sam P Norton Regr

Registered the 1st day of Decr. 1841

E. HEARNE TO W SWARNGEN & SUCCESSORS

This indenture this the 2nd day of April in the year of our Lord one  
 thousand Eight hundred & forty one between Eben Hearne of the County of Stanly  
 & State of North Carolina of the one part & William Swarngen Chairman of the  
 County Court & his successors in office of the other part Witnesseth for &  
 in consideration of the sum of ten dollars to him in hand paid by the said  
 William Swarngen Chairman & his successors at or before the signing sealing  
 & delivering of these presents the Rec't & payment is hereby full acknowledged  
 by the said Eben Hearne hath given granted & sold & by these presents doth give  
 grant bargain & sell unto the said William Swarngen Chairman successors in



APPENDIX B-2

E. Hearne to W. Swaringen & Successors ( April 2, 1841 )

This indenture this the 2nd day of April in the year of our Lord one thousand Eight hundred & forty one between Eben Hearne of the County of Stanly & State of North Carolina of the one part & William Swaringen Chairman of the County Court & his successors in office of the other part Witnesseth for & in consideration of the sum of ten dollars to him in hand paid by the said William Swaringen Chairman & his successors at or before the signing sealing & delivering of these presents the Rec't & payment is hereby full acknowledged by the said Eben Hearne hath given granted & sold & by these presents doth give grant bargain & sell unto the said William Swaringen Chairman successors in office a certain piece or parcel of land for the purpose of Stanly County site location on the South west side of Little Long creek bounded as follows Beginning on a pine by a persimmon in said E. Hearnes line & H. F. Freemans Dividing line runs with said line South Eight west twenty-two chains & seventy five links to a stake by a pine blackgum & dogwood thence South Ten East twenty-two chains & fifty links to a rock by two blackgums & two persimmons & one pine thence Eighty East Twenty two chains & seventy five links to a stake in a field thence North ten West twenty-two chains & fifty links to the beginning containing fifty one acres Reserving a lot of one acre which the said Eben Hearne Excepted including his buildings bounded as follows beginning on the main stree where it crosses the back eastern street on the north side of Main street runs with said main street Est. sixteen poles to a stake thence North ten poles to a stake thence West sixteen poles to said back street thence with the said street ten poles to the beginning containing one acre to have & to hold to him the said William Swaringen Chairman & his successors in office that the said Eben Hearne doth warrant & defend the aforesaid land to the said William Swaringen & his successors in office against all manner of person or persons whatsoever in witness whereof the said Eben Hearne hath hereunto set his hand & affixed his seal the day & year firs above written Signed & sealed & delivered in the presance of us. The one acre reserved by Ebenezer Hearne is Received in full consideration for the ten dollars mentioned in said deed

Signed sealed & Delivered in  
presance of us.

Eben Hearne (Seal)

John F. Miller x

State of North Carolina Stanly County

D. Kendall

November Session 1841 Then this deed was proven

in open court by the oath of John F. Miller & ordered to be Registered

D. Hearne CLK

Registered 1st Decr. 1841

above written

T. G. Hearne seal

Witness: C. B. Little.

State of North Carolina, } Superior Court,  
Stanly County. } February 21<sup>st</sup> 1898.

The execution of the foregoing Deed, was this day proven before me by the oath and examination of C. B. Little the subscribing witness thereto. Let the said Deed with this Certificate be registered.

J. H. Millon C. S. C.

Office Register of Deeds, Stanly County, N. C.

I hereby certify that the foregoing Deed was filed in this Office for registration February 21<sup>st</sup>, 1898. at 1<sup>00</sup> P. M. and duly registered.

H. S. Buchaber

Register of Deeds.

Joshua Hearne vobis to W. Swearingen Chairman.  
Deed 50 Cents, March 2<sup>nd</sup> 1841.

This Indenture made this second day of March in the year of our Lord one thousand Eight hundred and forty one between Nancy Hearne of the County of Stanly & State of North Carolina, Joshua Hearne, Eben Hearne and Davidson Hearne of said County and State, Paul Miller and Lucy Miller of the County of Cabarrus in said State and Edmund Berringer and his wife Sarah of the County of Montgomery in said State of the one part and William Swearingen Chairman of the County Court in and for the County of Stanly in said State of the other part, Witnesseth, that the said Nancy Hearne, Joshua Hearne, Eben Hearne, Davidson Hearne, Paul Miller & Lucy Miller his wife and Edmund Berringer and Sarah his wife for & in consideration of the sum of one Dollar to them in hand paid

receipt whereof is hereby acknowledged have given, granted, bargained & sold and by these presents do give, grant, bargain and sell unto the said William Swearingen Chairman as aforesaid the following tract or parcel of land situated lying and being in the County of Stauky aforesaid and bounded as follows, viz:

Beginning at a red oak standing at the east end of Daniel Freeman's store in said County on the east side of the Concord road and runs east Twenty Two chains and forty links to a stake by a white oak and two post oaks and a red oak. Thence North Twenty Two chains and forty links to a stake by four red oaks and a pine. Thence west Twenty Two chains and forty links to a stake by a dogwood, three post oaks and a red oak. Thence South Twenty Two chains and forty links to the beginning containing fifty acres, be the same more or less. To have and to hold the aforesaid tract or parcel of land with its appurtenances to the aforesaid William Swearingen Chairman in aforesaid and his successors in office forever to his and theirs only proper use and behoof which said land with its appurtenances is hereby conveyed to the said William Swearingen Chairman and his successors in office as a suitable place chosen by the Commissioners appointed for that purpose by an act of the General Assembly laying off & establishing the County of Stauky aforesaid passed at its last session for a permanent seat of Justice in & for said County, but if the aforesaid tract or parcel of land should not be selected and confirmed as the seat of Justice in & for said County, then this indenture to be void and of no effect.

The aforesaid Nancy Stearne, Joshua Stearne, Eben Stearne and Davidson Stearne and Paul Miller and Lucy his wife and Edmund Barriger and Sarah his wife for themselves, their heirs and assigns do hereby agree to warrant and forever defend the right

APPENDIX B-3

Eben Hearne to W. Swaringen Chair. ( March 10, 1842 )

Deed 50 acres March 10, 1842.

This Indenture made this the 10th day of March one thousand eight hundred and forty two between Eben Hearne of the County of Stanly of the one part and William Swaringen Esquire Chairman of the Court of pleas & quarter sessions in & for said County of the other part, Witnesseth that the said Eben Hearne for and in consideration of the sum of five Dollars to him in hand paid by the said William Swaringen, the receipt whereof is hereby acknowledged has given, granted, bargained and sold and by these presents does give, grant, bargain and sell to the said William Swaringen Chairman as aforesaid two undivided seventh parts of the following tract or parcel of land situated in said county on Long creek near Daniel Freeman's store, Beginning at a red oak near the east corner of the said store on the east side of the Morganton road and runs east twenty two chains and forty links to a stake by a white oak two post oaks & a red oak. Thence No. twenty two chains and forty links crossing said road to a stake by four red oaks and a pine. Thence west twenty two chains and forty links to a stake by a dogwood tree post oaks & a red oak. Thence south twenty two chains and forty links to the beginning containing fifty acres more or less, it being the two undivided seventh parts in said tract formerly belonging to Frances Hearne and Alexander Underwood infants and sold by a Decree of the Court of Equity for said county and purchased by and conveyed to the said Eben Hearne by John H. Treadwell Clerk and Master in Equity for said County by Deed bearing date the 8th day of March 1842. To have and to hold the aforesaid two sevenths of said tract or parcel of land with the appurtenances to him the said William Swaringen Chairman as aforesaid and his successors in office to his & their only proper use & behalf. The said Eben Hearne for himself and his heirs warrants and defends the title to the aforesaid undivided two sevenths of said tract of land to the said William Swaringen Chairman as aforesaid and his successors in office and also that he the said Eben Hearne is seized in fee of the said undivided interest in said land.

In testimony whereof the said Eben Hearne hereinto sets his hand and seal the day and year first above written.

Sealed and Dilivered  
in presence of

Jas. L. Gaines  
D. M. Barringer

Eben Hearne Seal

North Carolina

Be it remembered the above deed was duly proved before me Frederick Nash one of the Judges of the Superior Court of Law & Equity in & for said State, James L. Gaines one of the subscribing witnesses thereto. March 7th, 1842.

Let it be Registered.

F. Nash J. S. C. L. C.

Office Register of Deeds, Stanly County N. C.

I hereby certify that the foregoing deed was filed in this office for registration March 22nd A. D. 1898 at 9 o'clock A. M. and was duly registered.

W. T. Huckabee  
Register of Deeds

... till in and to the ...

... to the said William ...

... in testimony whereof the said ...

... it is hereby ...

... part of the consideration of the same.

Witness our hands & seals.

John F. Johnston  
Wm. D. ...

On the second day of March A.D. 1841  
before me John W. ...

... and for the state ...

John A Lilly To W H Lilly

This indenture made this the 16<sup>th</sup> day of December A D 1867  
 Between John A Lilly of the county of Stanly & State of Carolina  
 of the one part and W H Lilly of the county & State aforesaid of the  
 other part Witnesseth that John A Lilly of the one part for & in consid-  
 eration of the sum of seven hundred & twenty five dollars in hand  
 to him paid the receipt whereof is hereby acknowledged hath bargained  
 & sold and by these presents doth bargain & sell unto the said W H Lilly  
 & his heirs the following lots in the town of Albemarle (viz) 58. 40  
 part of lot No 41 the remainder of lot No 41 not owned by J. M. Bivens  
 & a part of No 5 according to the plot of said town the part of No 5  
 excepted is the corner on which the stone house stands beginning at  
 the south west corner of the stone house on the street & runs thence east  
 sixty two feet thence north forty five feet thence west to the line of the  
 street thence with said line so to the beginning which is excepted to  
 the use of the stone house To have & to hold the aforesaid lots and pieces  
 of land together with all the improvements & appurtenances thereto  
 belonging to him the said W H Lilly & his heirs forever free from  
 the claims of all persons whatever And the said John A Lilly doth  
 covenant & agree to warrant & defend the right & title of said  
 lots or pieces of land to the said W H Lilly & his heirs & assigns from  
 the claims of all persons whatever In testimony whereof the party  
 of the one part doth here unto set his hand & seal

Stamped signed sealed & delivered in presence of W I Montgomery John A Lilly (Seal)

Stanly County, In Probate Court,

The execution of the foregoing deed from John A Lilly to W H Lilly  
 was this the 24<sup>th</sup> day of June 1868 duly acknowledged by John A  
 Lilly before me the undersigned Probate judge for said county  
 therefore let this deed & certificate be registered

Registered 26<sup>th</sup> June 1869 J M Reaume Probate judge

Thomas Biles To W D & R A Stone

This indenture made this 18<sup>th</sup> day of February A D 1861 Between Thomas  
 Biles jun of the county of Cabarrus state of Carolina of the first part  
 & William B Stone & Richard A Stone of the county of Stanly & state  
 aforesaid of the second part Witnesseth that the said party of the first  
 part for & in consideration of the sum of three hundred dollars to  
 him in hand paid by the said party of the second part hath  
 sold & delivered unto the said party of the second part all that  
 tract of land in said county of Stanly on the waters of Merimons  
 branch of curl tail creek Beginning on a post oak by 2 20 x  
 a hickory in George Crowells line formerly now Jacob Hulley

The said Freeman's corner & runs with his line N<sup>o</sup> 25<sup>th</sup> 10 chs & 86 links to a stake in the road leading from Allemarle to Mrs Melcher by a post & red oak thence with said road towards Allemarle 5 chs & 30 links to a stake in said road in the old line then as said old line N<sup>o</sup> 25<sup>th</sup> 17 chs & 25 links to a post oak thence N<sup>o</sup> 27<sup>th</sup> E 10 chs to a red oak by a red oak & white oak S<sup>o</sup> 86<sup>th</sup> E to a stake in the road by 2 red oaks a corner of the down then with a line of said corner N<sup>o</sup> 4<sup>th</sup> chs & 60 links to a stake a corner of lot N<sup>o</sup> 6 by 2 red oaks then with a line of lot N<sup>o</sup> 6 E 14 chs & 40 links to a stake in an old field a corner of lot N<sup>o</sup> 7 S<sup>o</sup> 33<sup>th</sup> chs to a stake in the Morganton road by a red oak & black oak then the various courses of said road towards Allemarle to the beginning containing 6 1/2 Acres To have & to hold unto the said Daniel Freeman his heirs & assigns forever the aforesaid tract of land together with all the appurtenances there unto belonging The said M<sup>c</sup> Melcher covenants to warrant & forever defend the title to the aforesaid tract of land to the said Daniel Freeman his heirs & assigns free & discharged from us & all other person or persons whomsoever

In testimony whereof I have hereunto set my hand & seal date above written Signed & delivered in presence

of W<sup>m</sup> H. Ranall

M<sup>c</sup> Melcher (Sd)

Stanly County In Probate Court

The execution of the foregoing deed was this 27<sup>th</sup> Sept 1869 proved on the oath of W<sup>m</sup> H. Ranall Therefore let it be registered

Registered 27<sup>th</sup> Sept 1869

J<sup>m</sup> Reearine P. B. S.

Saml H. Christian To Daniel Freeman

ThisIndenture made the 12<sup>th</sup> day of May 1847 between S<sup>t</sup> H. Christian of the county of Montgomery State of S<sup>c</sup> Carolina of the one part and Daniel Freeman of the county of Stanly & State aforesaid of the second part Witnesseth that for & in consideration of the sum one hundred & twenty dollars in hand paid by the said Daniel Freeman to the said S<sup>t</sup> H. Christian the receipt whereof is here by acknowledged The said Christian hath granted bargained & sold unto the said D. Freeman his heirs & assigns forever one piece or parcel of land known in the plan of the Town of Allemarle as lot N<sup>o</sup> 5 To have & to hold the aforesaid lot or piece of land with all the appurtenances thereunto belonging free from me my heirs & assigns forever & all manner of claims whatever In testimony whereof I have hereunto set my hand & seal Signed & delivered in presence

of John S. Freeman

S<sup>t</sup> H. Christian (Sd)

A Subscribed In Stanly County In Probate Court

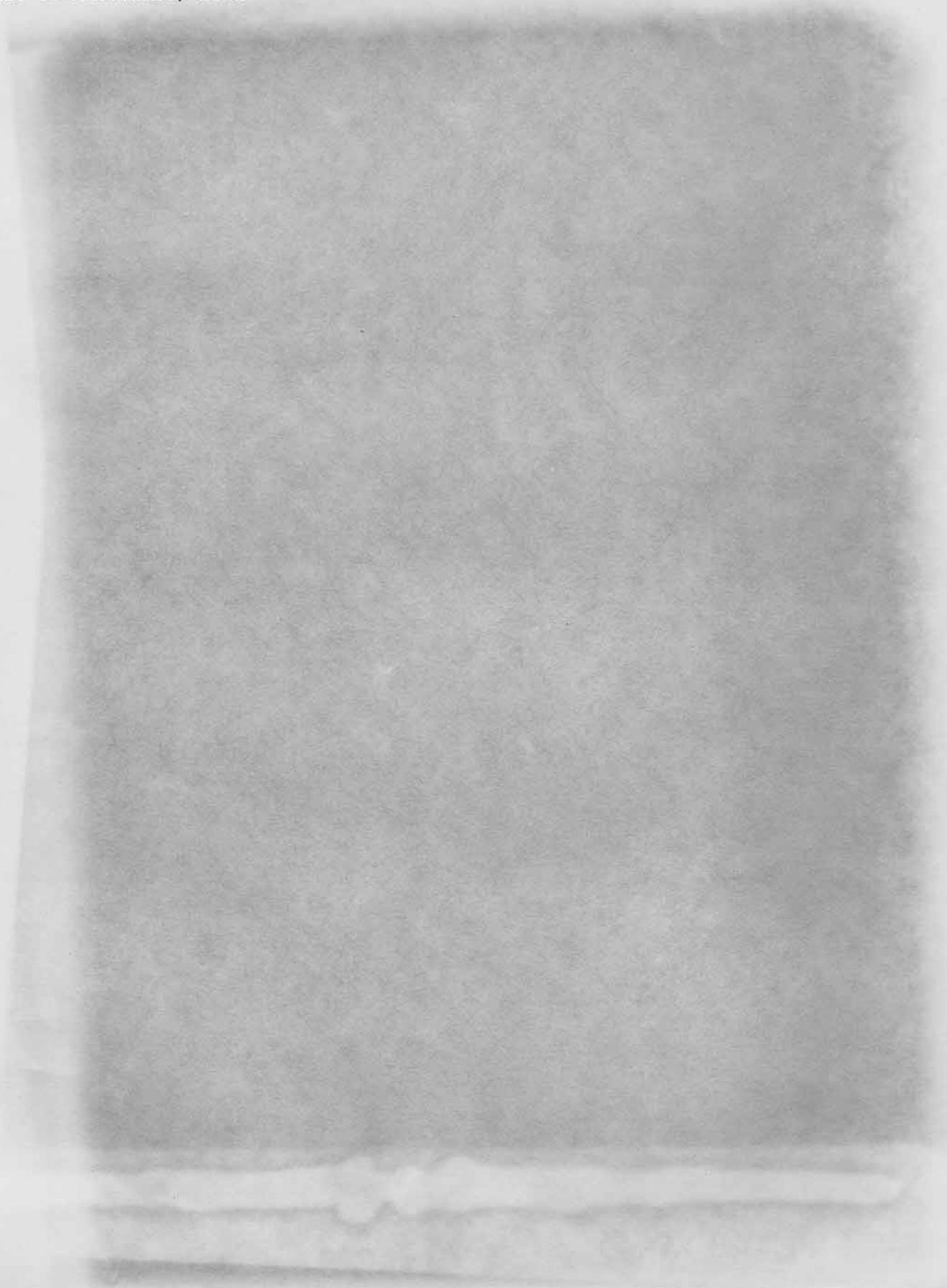
The execution of the within deed was this 27<sup>th</sup> Sept 1869 proved on the oath of D. Freeman Therefore let it be registered

Registered 27<sup>th</sup> Sept 1869

J<sup>m</sup> Reearine P. B. S.

APPENDIX C-1

Town Plat of Albemarle, 1841

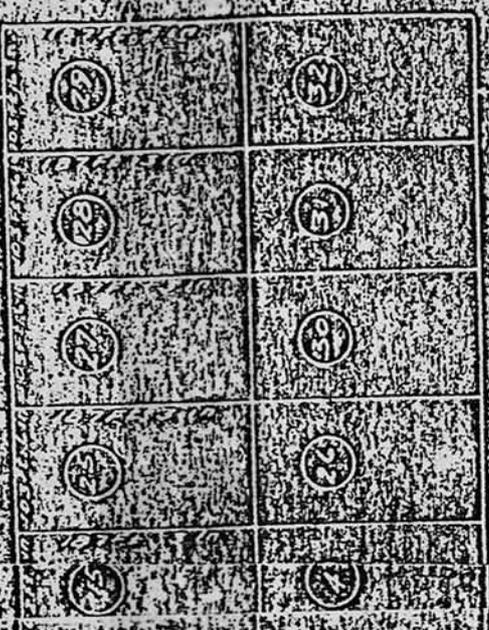




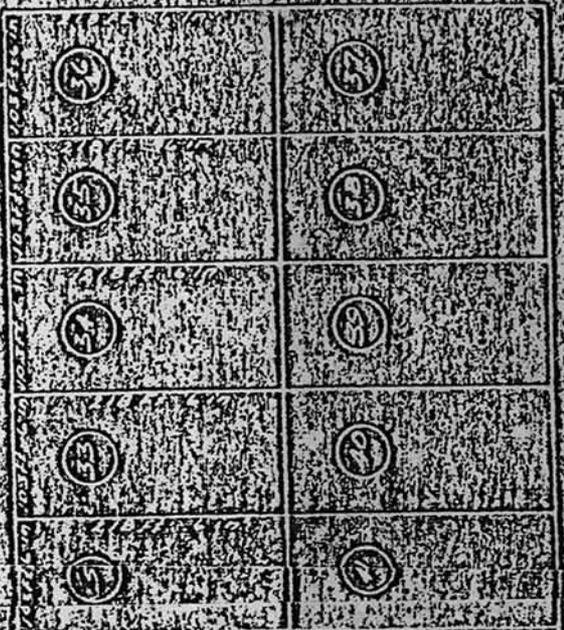
NORTH

NORTH STREET

WEST STREET



WEST STREET



WEST STREET



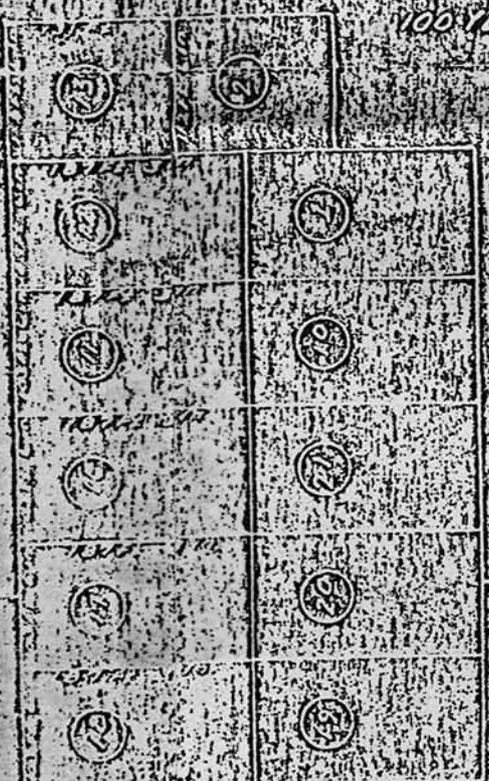
WEST STREET

PUBLIC SQUARE  
FOR COURT HOUSE  
100 YDS SQUARE

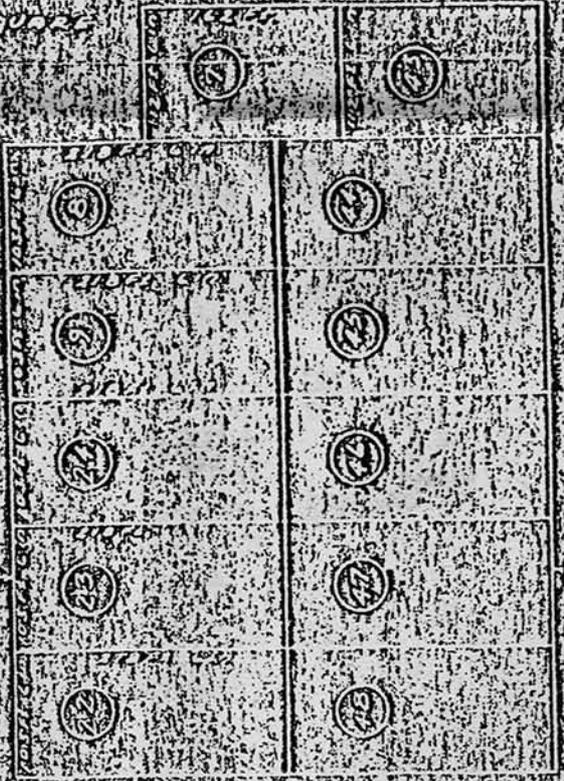
MAIN

STREETS

EAST



SECOND



THIRD



FOURTH

SOUTH

SOUTH STREET

Handwritten notes in a box at the bottom left, including the name 'ALBEMARLE' and other illegible text.

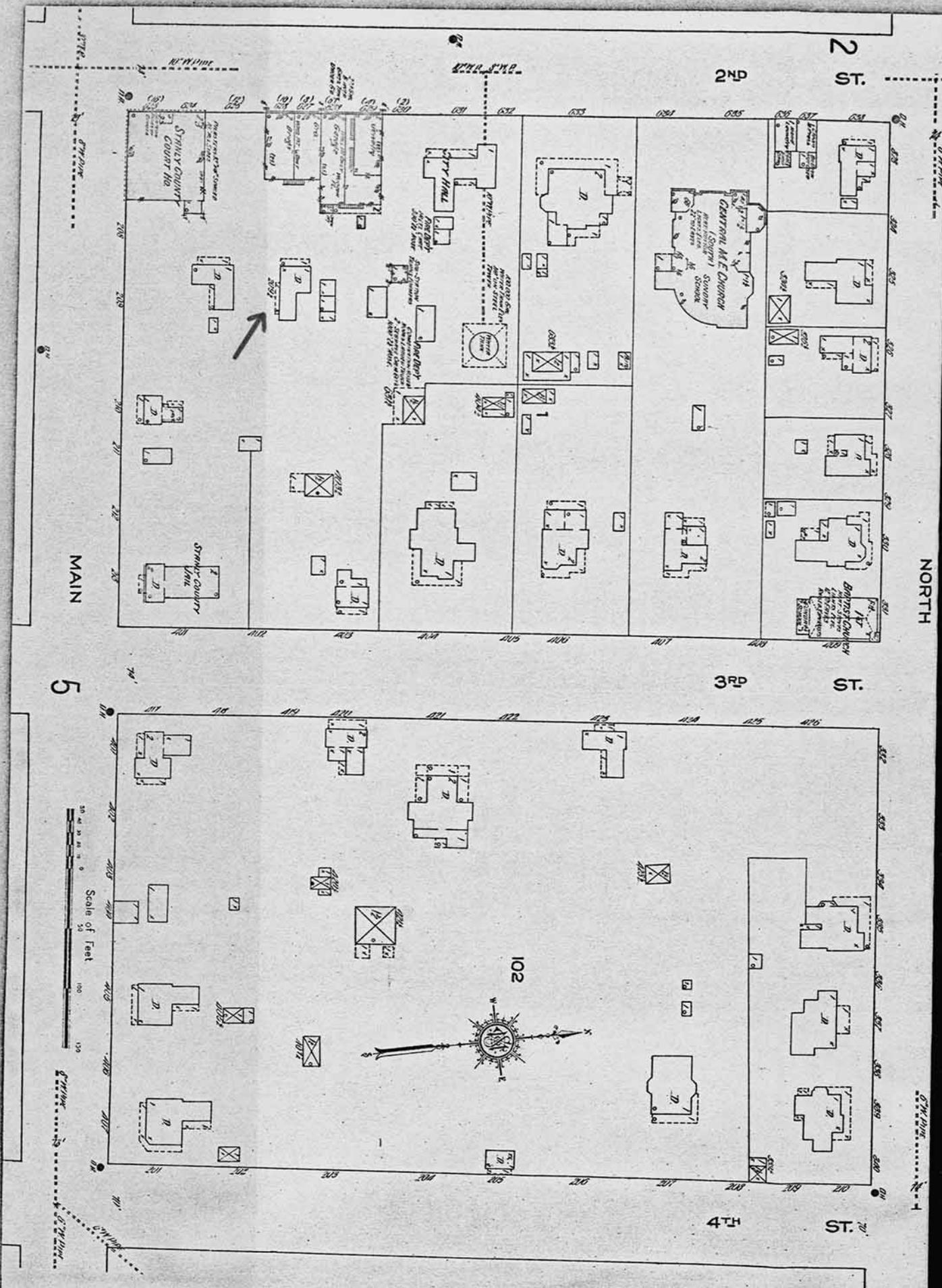
### A PLAN OF ALBEMARLE

Handwritten text below the title, likely describing the plan or providing a legend for the numbered lots.





1913



MAIN

2ND ST.

3RD ST.

4TH ST.

NORTH

5

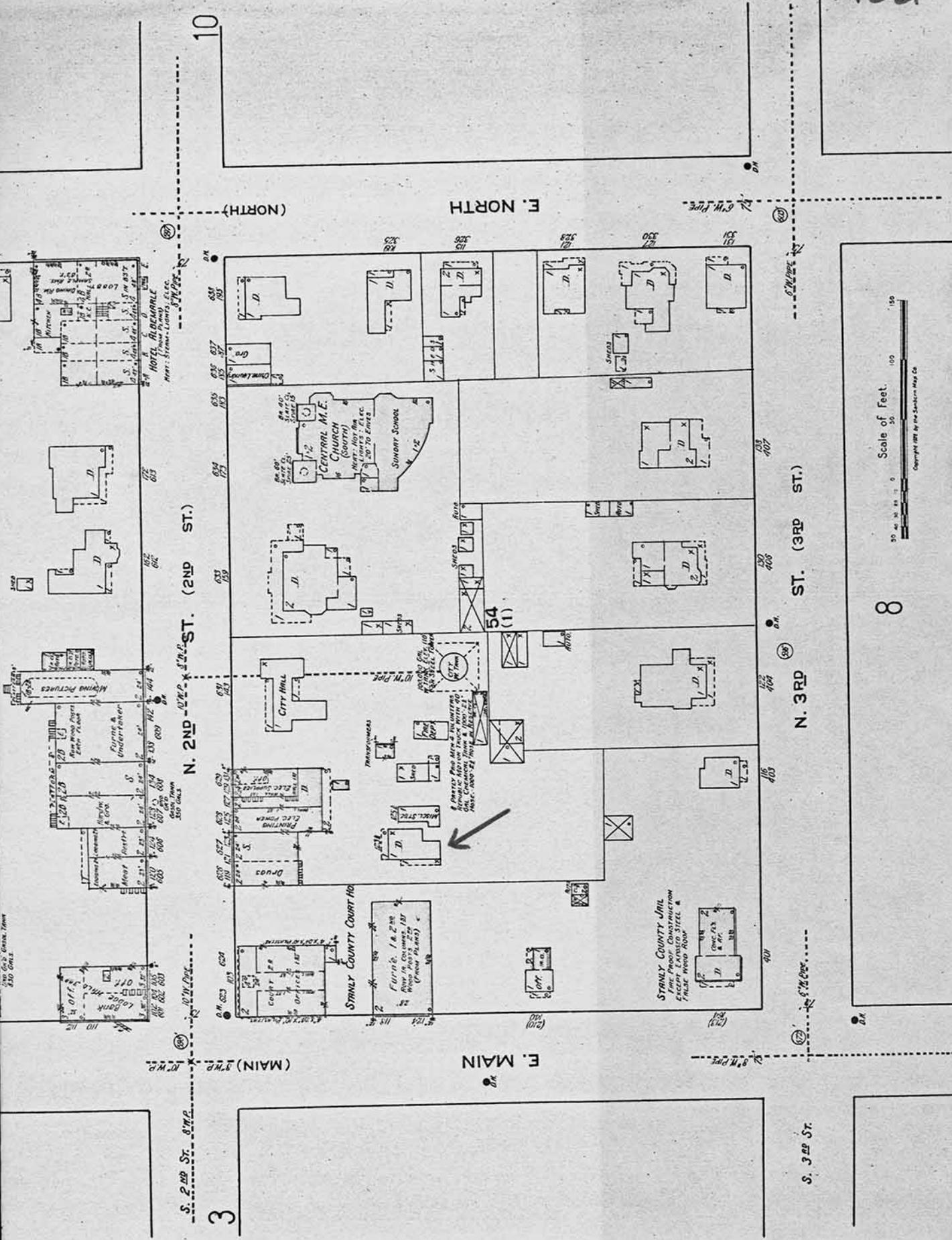
Scale of Feet

102

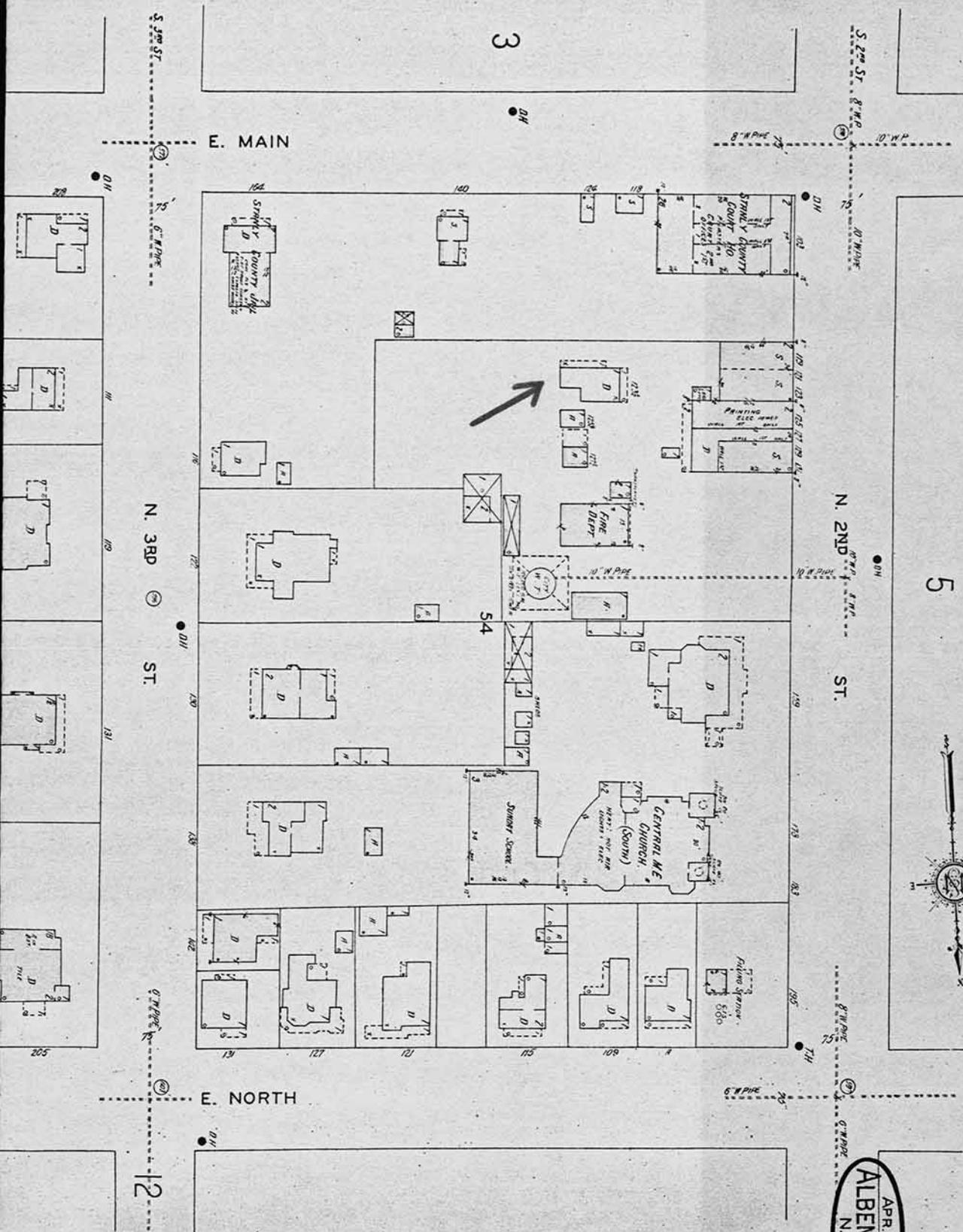


City Line

1922



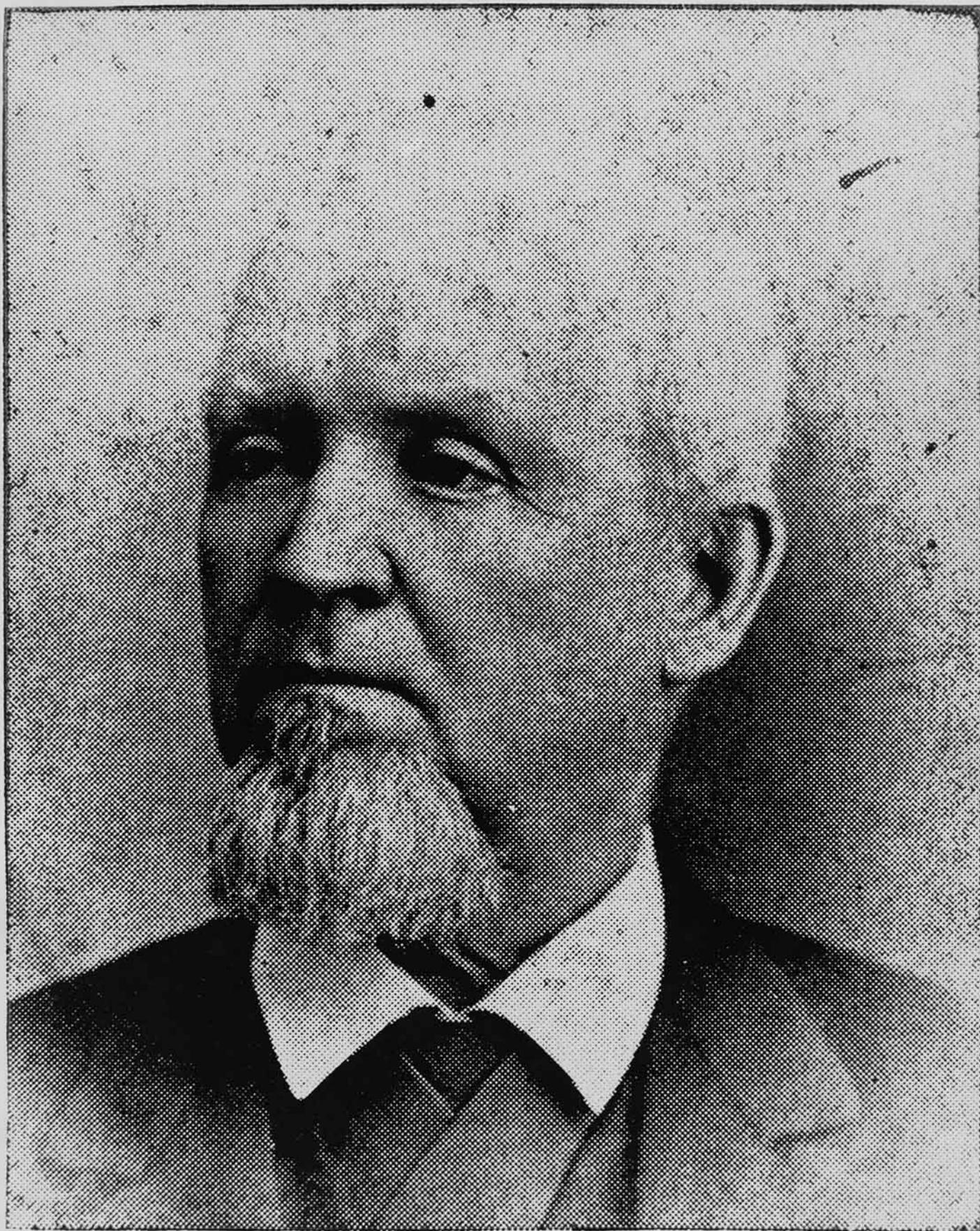
8



APR 1929  
**ALBEMARLE**  
 N. C.

APPENDIX C-3

James Marshall McCorkle (1826-1885)



Samuel J. Pemberton (1849-1898)

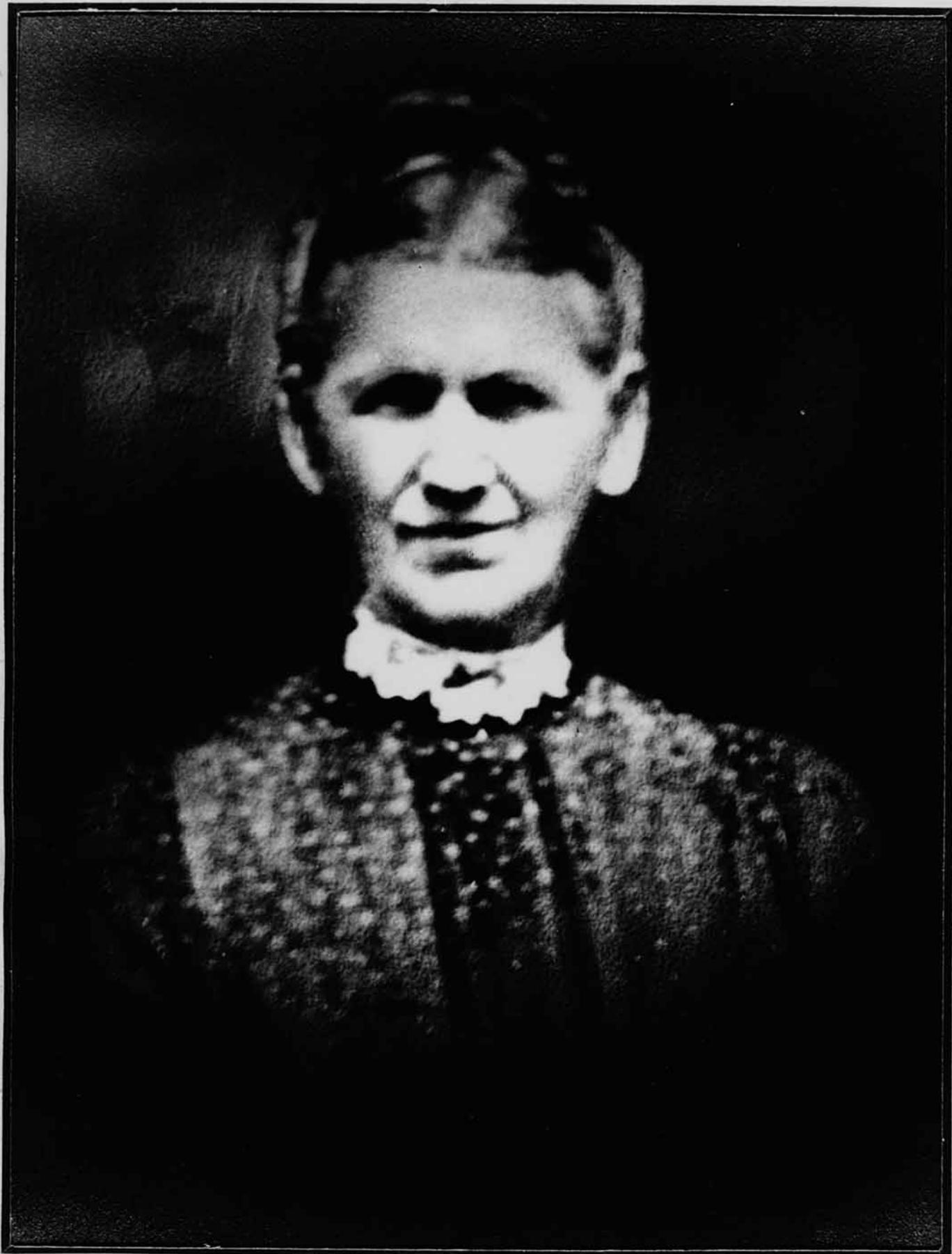


Whitson A. Marks (1849-1935)



Whitson - Marks

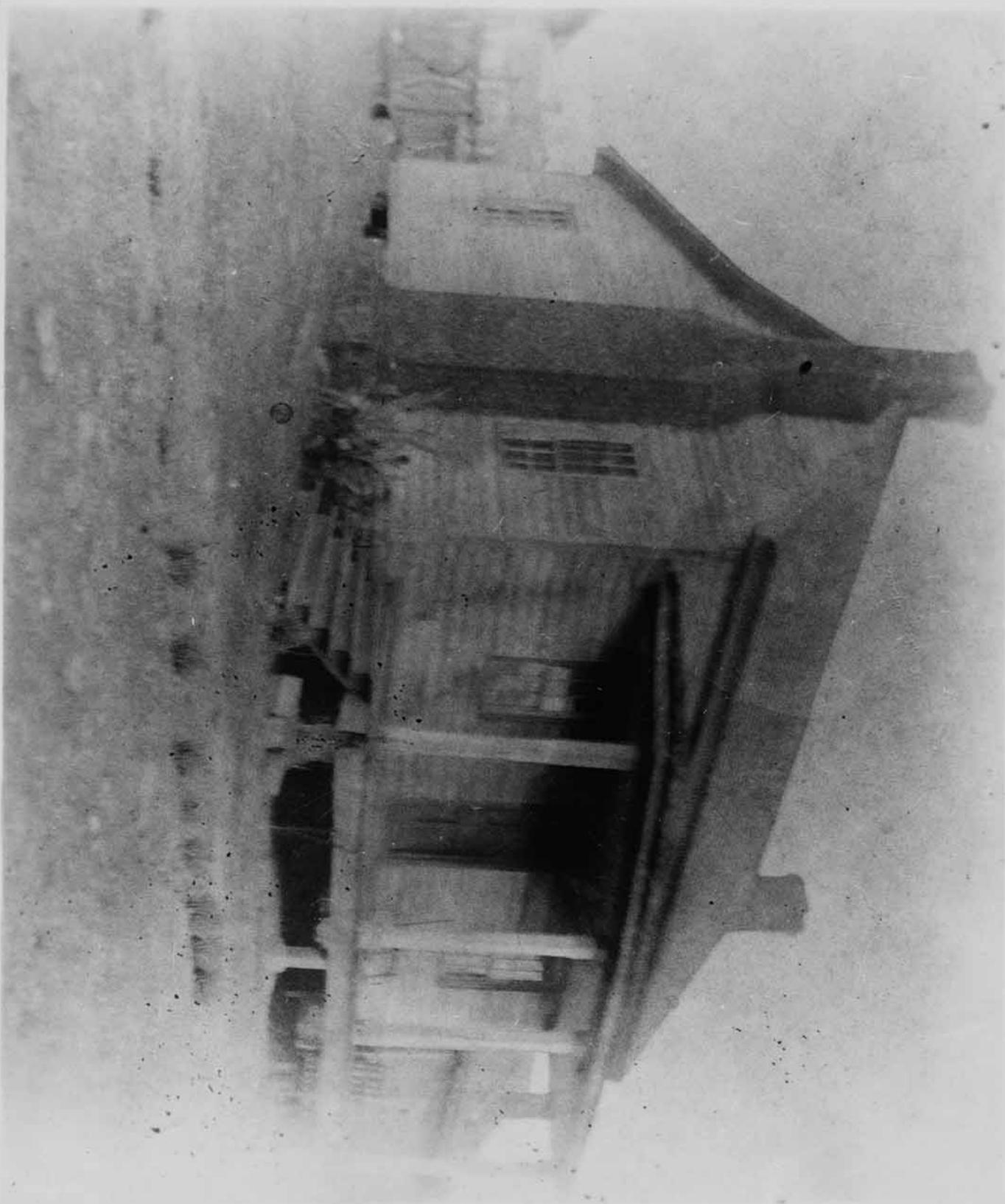
Mrs. W. A. Marks (1853-1929)



Professor Sallie B. Marks (1891-1967)



The Marks House around 1900



The Marks House in 1973, "reposing in dilapidated quietude"



Moving the house in 1975



APPENDIX D: CHAIN OF TITLE

APPENDIX D-1

Samuel H. Christian to Daniel Freeman ( May 12, 1847 )

This indenture made the 12th day of May 1847 between S. H. Christian of the County of Montgomery State of North Carolina of the one part and Daniel Freeman of the County of Stanly & State aforesaid of the second part Witnesseth that for & inconsideration of the sum one hundred & twenty dollars in hand paid by the said Daniel Freeman to the said S. H. Christian the receipt whereof is hereby acknowledged the said Christian hath granted bargained & sold unto the said D. Freeman his heirs & assigns forever one piece or parcel of land known in the plan of the town of Albemarle as lot no. 5. To have & to hold the aforesaid lot or parcel of land with all the appurtenances there unto belonging free from my heirs & assigns forever & all manner of claims whatever In testimony whereof I have hereunto set my hand & seal Signed & delivered in presence of John J. Freeman) S. H. Christian (Seal)

A. Ledbetter ) Stanly County Probate Court

The execution of the written deed was this 29th Sept. 1869 proven on the oath of J. J. Freeman therefore let it be registered J. M. Redwine P.B.  
Registered 29th Sept. 1869

presence of each other duly acknowledged the within to be their act and deed for the purposes therein stated the said Lucy Miller & Sarah Beringer having been previously examined by me separate & apart from their said husbands and frivily acknowledged that they executed said deed voluntarily and without coercion on the part of their said husbands & that they do now freely assent thereto - At the same time came Nancy Hearn, Joshua Hearn, Davidson Hearn & Eben Hearn and duly acknowledged the within to be their act and deed for the purposes therein stated. Let this deed with this certificate be registered in the County of St. Louis.

Wm. Dick J. S. L. E.

Office Register of Deeds St. Louis County, Mo.

I hereby certify that the foregoing deed was filed in this office for registration March 22<sup>nd</sup> A.D. 1878 at 9 o'clock A.M. and duly registered.

H. F. Huestaber,  
Register of Deeds.

in Eben Hearn to W. Swearingen Chair

Deed 50 Acres March 10, 1842.

This Indenture made this 10th day of March one thousand eight hundred and forty two between Eben Hearn of the County of St. Louis of the one part and William Swearingen Esquire Chairman of the Court of Pleas & quarter sessions in & for said County of the other part. Witnesseth that the said Eben Hearn for and in consideration of the sum of five Dollars to him in hand paid by the said William Swearingen, the receipt whereof is hereby acknowledged, has given, granted, bargained and sold and by these presents does give, grant, bargain and sell to the said William Swearingen Chairman as aforesaid two undivided seventh parts of the following tract

APPENDIX D-2

Daniel Freeman to Parham Smith (September 28, 1860)

This Indenture made this the 28th day of September A. D. 1860 Between Daniel Freeman of the County of Stanly and State of North Carolina of the one part and Parham Smith of the County and State aforesaid of the other part Witnesseth that the said Daniel Freeman for and in consideration of the sum of six hundred and fifty Dollars to him in hand paid by the said Parham Smith the receipt whereof is hereby acknowledged hath given granted Bargained and sold and by these presents do give grant Bargain and sell unto him the said Parham Smith and his heirs and assigns the following Lots in the Town of Albemarle (to wit) No. 39, 40, 41, and a part of No. 5 The part excepted is the corner on which the Store house stands Beginning at the South west corner of the store house on the street and runs thence East Sixty two feet thence No. forty five feet thence West to the line of the street thence with said line So. to the Beginning which is excepted for the use of the Store house To have and to hold the aforesaid Lots or pieces of Land together with all the appertaincences there unto Belonging from me my heirs and assigns and from all and every other person whatsoever with the above exception

In Witness whereof the said Daniel Freeman hath hereunto set his hand and seal the day and year first above written

Signed Sealed and delivered in the presence of

W J Ross

D. Freeman (Seal)

This Indenture made this the 28<sup>th</sup> day of September  
A.D. 1860 Between Daniel Freeman of the County of  
Stanly and State of North Carolina of the one part  
and Parham Smith of the County and State aforesaid  
of the other part Witnesseth that the said  
Daniel Freeman for and in consideration of the  
sum of Six hundred and fifty Dollars to  
him in hand paid by the said Parham Smith  
the receipt whereof is hereby acknowledged both  
given granted Bargained and sold and by these  
presents do give grant Bargain and sell unto  
him the said Parham Smith and his heirs and  
Assigns the following Lots in the Town of Albemarle  
(to wit) Nos. 39, 40, 41, and a part of No. 5.

The part Excepted is the corner on which the  
Store house stands Beginning at the South west corner  
of the Store house on the Street and runs thence East  
Sixty two feet thence No. forty five feet thence West to the  
line of the Street thence with said line So. to the Beginning  
which is Excepted for the use of the Store house  
To have and to hold the aforesaid Lots or pieces of  
Land together with all the appurtenances thereunto  
Belonging free from me my heirs and assigns and  
from all and every other person whatsoever with the  
above Exception

In Witness whereof the said Daniel Freeman hath  
hereunto set his hand and seal the day and year  
first above written

Signed Sealed and delivered in the

which is accepted for the use of the Store house  
To have and to hold the aforesaid Lots or pieces of  
Land together with all the appurtenances therunto  
Belonging free from me my heirs and assigns and  
from all and every other person whatsoever with the  
above Exception

In Witness whereof the said David Freeman hath  
hereunto set his hand and seal the day and year  
first above written

Signed Sealed and delivered in the  
presence of

W. J. P. P.

L. D. Freeman Seal

APPENDIX D-3

Parham Smith to Robert S. Nash (September 9, 1862)

This Indenture made this the 9th day of September Ad 1862 Between Parham Smith of the County of Stanly and State of North Carolina of the one part and R. S. Nash of the County and State afforesaid of the other parte witnesseth that

The said Parham Smith for and in consideration off the sum of six hundred and fifty dollars to him in hand paid by the said R. S. Nash the receipt whereof is hear by acknowledges that given granted Bargained and sold and these presents do give grant Bargain and sell unto R. S. Nash and his heirs and assigns the following lots in the Town of Albemarle to wit / No. 39, 40, 41, and a parte of No. 5 the excepted is the corner on which the Store house Stands Beginning on the Southwest of the Store house on the street and runs thence East Sixty two feet thence No. 45 feet thence West to the line of street thence with said line So. to the Beginning which is excepted for the use of the Store house to have and to hold the afforsaid Lots or pieces of land together with all the appertaincences there unto Belonging from me my heirs and assigns And from all and every other person whatsoever with the above exception In witness where of the said Parham Smith hath hear unto set his hand and seal the day and year first above written Signed Sealed and delivered the presents of

W. J. Ross

Parham Smith (Seal)

P. Smith's  
Deed  
to R. S. Nash

of this adventure made this the 9 day of July  
At 1863 British Parliament decreed by the  
House and State of North Carolina of the  
first and B. S. of the said and  
afforded of the other part with both that  
The said Parliament limits you and in  
of the sum of six hundred and fifty dollars  
him in hand paid by the said B. S. of the  
Receipt of him by no knowledge that  
Given granted bargained and sold and the  
warranty do give grant bargain and sell unto the  
North and his heirs and assigns the following to  
In the Town of Albemarle to wit, No 19, 40  
41 and a part of 42-45 The Granted by the  
Carver as which the State House stands being  
The southeast corner of the State House and the  
and runs more or less sixty two feet more or less  
first time of the time of that more with  
Since do to the boundary which is accepted for  
of the State House to hold the said  
Said pieces of land to further with all the

of the unto Believing from me my heirs and assigns  
And from all and every other person what claim  
with the a same description  
I'm writing of act here of the said Richard Smith both  
hear over to let his hand and seal the day and year  
first a base written  
Signed Sealed and delivered the  
Witness of  
W. J. Hop

Richard Smith

J. Smith  
Seal  
To R. S. Clark

APPENDIX D-4

Robert S. Nash to Richard Anderson( June 29, 1863 )

This Indenture made this the 29th day of June A. D. 1863 between Robert S. Nash of the County of Stanly and State of North Carolina of the one part and Richard Anderson of the County and State aforesaid of the other part. Witnesseth that the said Robert S. Nash for and in consideration of the sum of Six Hundred and Fifty Dollars to him in hand paid by the said Richard Anderson for the receipt whereof is hereby fully acknowledged hath given, granted, bargained and sold, and do by these presents give, grant, bargain and sell unto him the said Richard Anderson, his heirs, and assigns the following lots in the town of Albemarle "by" No.'s 39, 40, 41, and a part of No. 5 according to the plat of said town. The part of lot No. 5, excepted is the corner on which the store house stands, beginning at the South West corner of the store house and the street, and runs thence east sixty-two feet thence No. forty-five feet, thence West to the line of the street, thence with said line So. to the beginning, which is excepted for the use of the store house, to have and to hold the aforesaid lots or pieces of land together with all the appertainances thereunto belonging from me, my heirs and assigns and from all and every other person whatsoever with the above exception, the said Robert S. Nash further agrees to warrant and defend the right and title of said property, to the said Richard Anderson, his heirs and assigns from the claims of all others. In testimony whereof the said Robert S. Nash hath hereunto set his hand and seal, the day and year first above written.

Signed Sealed, and delivered in the presence  
of

R. S. Nash(seal)

D. A. Underwood

Stamped by me this the 15th December  
1866 in the presence of R. Anderson

John A. Lilly

This Indenture, made this the 3<sup>rd</sup> day of June A.D.  
1763. between Robert S. Nash of the County of  
Sturdy and State of North Carolina of the one part,  
and Richard Anderson of the County and State  
aforesaid of the other part. Witnesseth that the said  
Robert S. Nash for and in consideration of the sum  
of Six Hundred and Fifty Dollars to him in hand  
paid by the said Richard Anderson the receipt whereof  
is hereby fully acknowledged, hath given, granted,  
bargained and sold, and do by these presents give,  
grant, bargain and sell unto him the said Richard  
Anderson, his heirs, and assigns the following lots  
in the town of Albemarle "viz" Nos. 39, 40, 41, and  
a part of No 5, according to the Plot of said town, the  
part of lot No 5, excepted is the corner on which the  
Store house stands, beginning at the South-west corner  
of the store house and the street, and runs thence east  
sixty-two feet, thence No. forty-five feet, thence west to the  
line of the street, thence with said line so. to the beginning, which  
is excepted for the use of the store house, to have and to hold the  
aforesaid lots or pieces of land, together with all the apper-  
tainances thereunto belonging, from me, my heirs, and  
assigns, and from all and every other person whatsoever  
with the above exception, the said Robert S. Nash further  
agrees to warrant and defend the right and title  
of said property, to the said Richard Anderson,  
his heirs and assigns from the claims of all  
others. In testimony whereof the said Robert S. Nash

both hereto set his hand and seal, the day and  
year first above written.

Signed sealed, and delivered in the presence  
of.

*H. S. Nash* (Seal)

*D. A. Hadenwood*



Stamped by me this  
The 15<sup>th</sup> December 1866 in  
the presence of R. Anderson  
John A. Lilly

APPENDIX D-5

Richard Anderson to John A. Lilly( July 7, 1866 )

This Indenture made this the 7th day of July 1866 between Richard Anderson of the County of Stanly and State of North Carolina of the one part and ~~W. A. Lilly~~ of the County and State aforesaid of the other part for and in consideration of the sum of Seven hundred twenty-five Dollars, in hand to him paid the receipt whereof is hereby acknowledged hath bargained and sold and by these presents doth bargain and sell unto the said ~~W. A. Lilly~~ <sup>J. A. Lilly</sup> his heirs the following lots in the town of Albemarle, viz. No's 39, 40, ~~41 and~~ part of lot no. 41 (the remainder of the lot no. 41 now owned by J. M. Bivens) and a part of No. 5 according to the plat of said town ( the part of no. 5 excepted is the corner on which the store house stands beginning at the South West corner of the store house on the street and runs thence East sixty-two feet thence North forty-five feet thence West to the line of the street thence with said line So. to the beginning, which is excepted to the use of the store house) to have and to hold the aforesaid lots or pieces of land together with all the improvements and appertainances thereunto belonging to him the said ~~W. A. Lilly~~ and his heirs forever free from the claims of all persons whatever and the said Richard Anderson doth covenant and agree to warrant and defend the right and title of said lots or parcels of land to the said Lilly and his heirs and assigns from the claims off all persons whatever. In testimony whereof the party of the one part doth here to set his hand and seal--  
Signed sealed and delivered  
in presence of  
W. Montgomery

Richard Anderson(seal)

This Indenture made this the 7<sup>th</sup> day of  
July 1866 between Richard Anderson of  
the County of Stanly and State of North  
Carolina of the one part and ~~W. H.~~  
<sup>J. L. Lilly</sup>  
~~Lilly~~ of the County and State aforesaid of  
the other part. Witnesseth, That R. Anderson  
of the one part, for and in consideration  
of the sum of seven hundred and  
twenty-five Dollars, in hand to him paid  
the receipt whereof is hereby acknowledged  
hath bargained and sold and by these  
present doth bargain and sell unto said  
<sup>John L. Lilly</sup>  
~~W. H. Lilly~~ his heirs, the following lots in  
the Town of Albemarle, Viz. Nos. 39.  
40. ~~41~~ <sup>part</sup> of lot No 41. (The remainder of the lot No 41  
not owned by J. L. Lilly)  
and a part of No 5. according to the plot  
of said Town (The part of No 5. excepted  
is the corner on which the store house  
stands beginning at the South West corner  
of the store house on the Street and  
runs thence East sixty-two feet thence  
North forty five feet thence west to the  
line of the Street thence with said line  
so to the beginning, which is excepted to the  
use of the Store house), to have and to hold  
the aforesaid lots ~~at~~ prices of land, together

with all the improvements, and appurtenances  
thereunto belonging, to him the said H. H.  
Lilly and his heirs forever, free from  
the claims of all persons whatsoever  
And the said Richard Anderson doth  
Covenant and agree to warrant and  
defend the right and title of said lots  
or parcels of land to the said Lilly and  
his heirs and assigns, from the claims  
of all persons whatsoever.

In testimony whereof, the party of the  
one part, doth hereunto set his hand  
and seal. Richard Anderson

Signed sealed and delivered  
in presence of.

W. Montgomery

APPENDIX D-6

John A. Lilly to W. H. Lilly ( December 16, 1867 )

This indenture made this the 16th day of December A. D. 1867 between John A. Lilly of the County of Stanly & State of North Carolina of the one part and W. H. Lilly of the County & State aforesaid of the other part Witnesseth that John A. Lilly of the one part for & inconsideration of the sum of seven hundred & twenty five dollars in hand to him paid the receipt whereof is hereby acknowledged hath bargained & sold and by these presents doth bargain & sell unto the said W. H. Lilly & his heirs the following lots in the town of Albemarle (viz) 39, 40 part of lot no. 41 the remainder of lot no. 41 now owned by J. M. Bivins & a part of no. 5 according to the plat of said town the part of no. 5 excepted is the corner on which the store house stands Beginning at the south west corner of the store house on the street & runs thence east sixty two feet thence north forty five feet thence west to the line of the street thence with said line to the beginning which is excepted to the use of the store house. To have and to hold the aforesaid lots and pieces of land together with all the improvements & appertences thereto belonging to him the said W. H. Lilly & his heirs forever free from the claims of all persons whatsoever. And the said John A. Lilly doth covenant & agree to warrant & defend the right of title of said lots or parcels of land to the said W. H. Lilly & his heirs & assigns from the claims of all persons whatsoever. In testimony whereof the party of the one part doth here unto set his hand & seal

stamped signed sealed & delivered in  
presence of W. J. Montgomery

John A. Lilly (Seal)

Stanly County) In Probate Court

The execution of the foregoing deed from John A. Lilly to W. H. Lilly was this the 24th day of June 1869 duly acknowledged by John A. Lilly before me the undersigned Probate Judge for said County.  
Therefore let this deed & certificate be registered

J. M. Redwine  
Probate Judge

Registered 26th June 1869

or parcel of land situated in said county on Long  
 creek near Deil Truman's store, [Beginning at a red  
 oak near the No. East corner of said store on the East  
 side of the Morganton road and runs East Twenty two  
 chains and forty links to a stake by a white oak two  
 foot oaks & a red oak. Thence No. Twenty Two chains  
 and forty links crossing said road to a stake by  
 four red oaks and a pine. Thence West Twenty Two chains  
 and forty links to a stake by a dogwood, three foot  
 oaks & a red oak. Thence South Twenty Two chains  
 and forty links to the beginning, containing fifty  
 acres more or less, it being the two undivided  
 seventh parts in said tract formerly belonging to Fran-  
 ces Hearn and Alexander Underwood infants and  
 sold by a Decree of the Court of Equity for said  
 county and purchased by and conveyed to the said  
 Eben Hearn by John H. Treadwell Clerk and Mas-  
 ter in Equity for said county by Deed bearing date  
 the 8th day of March 1842. To have and to hold the  
 aforesaid two sevenths of said tract or parcel of  
 land with the appurtenances to him the said William  
 Swaringen Chairman as aforesaid and his suc-  
 cessors in office to his & their only proper use  
 & behoof. The said Eben Hearn for himself and  
 his heirs warrants and defends the title to the  
 aforesaid undivided two sevenths of said tract  
 of land to the said William Swaringen Chairman  
 as aforesaid and his successors in office and  
 also that he the said Eben Hearn is seized in  
 fee of the said undivided interest in said land.

In testimony whereof the said Eben Hearn  
 hereunto sets his hand and seal the day and year  
 first above written.

Sealed and Delivered  
 in presence of  
 Jas L. Gaines  
 D.M. Barringer

Eben Hearn

APPENDIX D-7

J. T. Ramsey & Wife to Samuel J. Pemberton( April 8, 1871 )

April 8, 1871

For and in consideration of the sum of Seven hundred Dollars to Jm. T. Ramsey & wife Elizabeth Ramsey in hand paid by S. J. Pemberton, the receipt whereof is hereby acknowledged the said Ramsey & wife have bargained sold and conveyed and by these presents do bargain sell & convey to the said Pemberton, all their equitable interest in a certain house & lots in the town of Albemarle formerly owned by Dr. W. H. Lilly, and for which the said Ramsey had a bond for title from W. H. Lilly and for the consideration aforesaid the said Ramsey & wife, do hereby release all claims rights and interests in & to said property under the said Bond, to the said Pemberton & do hereby (illegible) & instruct the said Lilly to make said title to said property to said Pemberton, instead of to said Ramsey

Signed, Sealed & delivered  
in presence of  
W. J. Montgomery

J. T. Ramsey (seal)  
Elizabeth Ramsey (seal)

Stanly County) In the Probate Court

) Be it remembered that on the 10th day of April 1871 before me J. M. Redwine Judge of Probate for said County personally came J. T. Ramsey and Elizabeth Ramsey his wife and acknowledged the due execution of the annexed Deed. I then examined the said Elizabeth Ramsey from court separate and apart from her said husband who declares to me that she executed the said freely without force from or any undue influence of her said husband or any other person therefore let the deed and this certificate be registered.

J. M. Redwine Probate Judge

April 8: 1871

For and in consideration of the sum of seven hundred dollars, to J. J. Ramsey & wife Elizabeth Ramsey in hand paid by J. J. Pemberton, the receipt whereof is hereby acknowledged, the said Ramsey & wife have bargained, sold and conveyed and by their presents do bargain, sell & convey to the said Pemberton, all their equitable interest, in a certain house & lots in the town of Albemarle, formerly owned by Dr. W. H. Lilly, and for which the said Ramsey had a bond for title from W. H. Lilly and for the consideration aforesaid the said Ramsey & wife, do hereby release all claim, rights & interests, in & to said property, under the said Bond, to the said Pemberton & do, hereby authorize & instruct the said Lilly to make said title to said property, to said Pemberton, instead of to said Ramsey  
Signed, Sealed & delivered  
in presence of

J. J. Ramsey (S)  
Elizabeth Ramsey (S)

W. J. Montgomery  
Stark County

In the Probate Court

Be it remembered that on the 10<sup>th</sup> day

said Deed & do, hereby authorize  
& instruct the said Lilly to make  
said Title to said property to said  
Pemberton, instead of to said Ramsey  
Signed. Sealed & delivered

J. B. Ramsey  
Elizabeth Ramsey

in presence of

W. J. Montgomery  
Stair County

In the Probate Court

It is remembered that on the 10<sup>th</sup> day  
of April 1871 before me J. M. Redwine Judge of Probate for  
said County, personally came J. B. Ramsey and Elizabeth  
Ramsey his wife and acknowledged the due execution  
of the aforesaid Deed. I then examined the said Elizabeth  
Ramsey <sup>separately</sup> from Court separate and apart from her  
said husband who declares to me that she  
executed the <sup>same</sup> freely without force fear or any undue  
influence of her said husband or any other person  
therefore let the deed and this Certificate be registered  
J. M. Redwine Probate Judge

APPENDIX D-8

W. H. Lilly & Wife to Samuel J. Pemberton( June 29, 1871 )

This Indenture made & executed this 29th June 1871 between W. H. Lilly & his wife Mary E. Lilly of the one part and Samuel J. Pemberton of the other part witnesseth that the said Lilly & wife parties of the one part for & inconsideration of the sum of one thousand dollars to them in hand paid by the said Pemberton party of the other part the receipt whereof is hereby acknowledged have bargained sold & conveyed and by these presents do bargain sell & convey to the party of the other part the following parcels or lots of land in the town of Albemarle N. C. known as Lots No. 39 & 40 part of 41 & part of No. 5 all of lot 41 is conveyed by this instrument except that portion owned by J. M. Bivens the mets & bounds of which are set forth in the deed to said Bivens & all of lot No. 5 is conveyed by this instrument except that portion on which the store house stands beginning at the South West corner of the store house on the street & runs thence East 62 feet thence No. 45 feet thence Wt. to the line of the street thence with said line to the beginning to have & to hold the said parcels or lots of land together with all the appertanances thereto belonging to him the said Pemberton & his heirs forever for the consideration aforesaid the said Lilly & wife do covenant & agree to warrant & defend the title of said lots of land conveyed to the said Pemberton his heirs & assigns against the claims & entry of all persons whatsoever and the said Lilly & wife do further covenant that they are seized of the premises in fee simple of said lots of land above conveyed & have full right to convey the same in fee simple which they have done by this conveyance. In Witness thereof the parties of the one part have hereunto set their hands & seals

W. H. Lilly(seal)  
M. E. Lilly(seal)

In Probate Court Cabarrus County

Be it remembered that on this 29th day of June 1871 personally appeared before me John A. McDaniel, Clerk of the Superior Court of Cabarrus County W. H. Lilly & his wife M. E. Lilly 7 severally acknowledged the due execution of the foregoing conveyance by them to the said S. J. Pemberton and the said Mary E. Lilly feme covert being by me privately examined separate & apart from her said husband touching her consent to the foregoing deed stated that she has executed the same freely voluntarily & of her own accord with out any constraint or influence of her said husband or of any other person & she further states that she doth now freely assents to the same. In testimony whereof I have hereunto set my hand & ~~seal~~ official seal as the Clerk of the Superior Court of Cabarrus County

John A. McDaniel  
Probate Judge

APPENDIX D-9

Samuel J. Pemberton & Wife to J. T. Redwine( January 10, 1881 )

S. J. Pemberton to J. T. Redwine  
State of North Carolina

Stanly County) This deed made this 10th day of January 1881, by S. J. Pemberton  
) and wife M. F. Pemberton of Stanly County and State of N. C. to  
) J. T. Redwine of Stanly County and State of N. C. Witnesseth that  
said Pemberton and wife in consideration of Twelve hundred Dollars to them paid by  
J. T. Redwine the receipt of which is hereby acknowledged hath bargained and sold  
and by these presents do bargain sell and convey to said J. T. Redwine and his  
heirs a tract or lot of land in Stanly County State of NC adjoining the lands of  
J. M. Redwine and others bounded as follows Viz: Lot No. 5 in the plat of the  
town of Albemarle except portion of which the store house stands beginning at the  
South West corner of the store house on the street and runs thence Et. 62 ft. thence  
No. 45 ft. thence Wt. to the line of the street thence with the street to the  
beginning and all Lot No. 41 except that portion formerly owned by J. M. Bivens and  
now owned by Joseph Marshall see his deed & a part of Lot No. 40 beginning at a  
planted stone corner of Lots No. 5 & 33 and runs East 35 ft. thence No. 25 ft.  
thence Wt. 35 ft. thence So. 25 ft. to the beginning To have and to hold the  
aforesaid tracts or lots of land and all priviliges and appurtenances thereto  
belonging to the said J. T. Redwine and his heirs and assigns to his and their  
only use and behalf. And the said S. J. Pemberton covenants that he is seized of  
said premises in fee simple that the same are free from all incumbrances and that  
he will warrant and defend the said title to the same against the claims of all  
persons whatsoever. In testimony whereof the said S. J. Pemberton and wife has  
hereunto set their hands and seal the day and year above written.

Attest

J. M. Redwine

S. J. Pemberton(seal)  
M. F. Pemberton(seal)

State of North Carolina

Stanly County) I A. C. Freeman Clerk of the Superior Court do hereby certify that  
) S. J. Pemberton and M. F. Pemberton his wife appeared before me  
this day and acknowledged the due execution of the annexed deed of conveyance and  
the said M. F. Pemberton by me privately examined separate and apart from her said  
husband touching her voluntary execution of the same doth state that she signed  
the same freely and voluntarily without fear or compulsion of her said husband or  
any other person and that she doth still voluntarily assent thereto. Let the same  
with this certificate be registered witness my hand and official Seal this 11th  
day of January A. D. 1881

Registered January 17th 1881

A. C. Freeman Clerk  
Superior Court

APPENDIX D-10

J. T. Redwine to J. M. Redwine ( May 12, 1884 )

J. T. Redwine's Will Continued

State of North Carolina)

Stanly County ) I J. T. Redwine of the County of Stanly and State of North Carolina do make and published this as my last will and testament that is to say, my Executor hereinafter named must provide for my body a decent burial, Suitable to the wishes of my friends and relations

1st Item I give and devise to my father J. M. Redwine my house and lot in the town of Albemarle

2nd Item Because I have given my father my house and lot above mentioned I request and require him to pay each one of my brothers & sisters viz, J. P. Redwine, Joyce Ramsey, A. Coggin, Sarah R. Smith, Esther Redwine, Josephine Tyson, and Dora Lee Redwine the sum of one hundred dollars each to be paid by my executor out of my life insurance policy in the Knights of Honor should he collect the same.

3rd Item In consideration of the kindness shown me by my sisters Esther, Josephine, and Dora Lee, I give and bequeath to them fifty dollars each in addition to what I have already given them.

4th Item I hereby appoint my father J. M. Redwine my executor and direct him to sell or dispose of the balance of my estate as he may think best and to pay all my just debts, and if there is anything left to divide it equally between all my brothers and sisters mentioned in Item 2nd of this will except my safe which I give to my father,

Witness my hand and seal April 9th 1884

J. T. Redwine (Seal)

Witnessed at the request  
of J. T. Redwine

H. H. Davis

S. J. Pemberton

North Carolina.

Be it remembered the above deed was duly  
 presented before me Frederick Nash one of the Judges  
 of the Superior Court of Law & Equity in & for  
 said State, James L. Gaines one of the subscrib-  
 ing witnesses thereto. March 7th, 1842.

Let it be Registered.

F. Nash J. S. C. H.

Office Register of Deeds, Stanley County N.C.

I hereby certify that the foregoing deed was filed  
 in this office for registration March 22<sup>d</sup> A. D. 1842  
 at 9 o'clock A. M. and was duly registered.

H. S. Hancock,  
 Register of Deeds.

Ducey & Sprinks to J. W. Smuggs.

State of North Carolina  
 Stanley County

The Deed made this 1<sup>st</sup> day of December 1841, by Ducey & Sprinks  
 of the County of Stanley and State of North Carolina, of the first  
 part and J. W. Smuggs of the County of Stanley and State of  
 North Carolina of the second part. Witnesseth; That said  
 Ducey & Sprinks for and in consideration of the sum of  
 Two hundred and seventy five Dollars to her paid by  
 J. W. Smuggs the receipt of which is hereby acknowledged,  
 has bargained and sold and by these presents does bargain  
 sell and convey to said J. W. Smuggs and his heirs a  
 tract of land in Stanley County, State of North Carolina,  
 adjoining the lands of T. L. Deane S. H. Deane Elias  
 Hurley and Tempy Russell, and bounded as follows. "viz"  
 Beginning at a stone Tempy Russell's corner. Thence  
 South 01 East 21 1/2 poles to a stake. Thence South 1 West  
 77 poles to a stake in an old road. Thence North 44 West  
 30 poles to a stake by large Spanish oak stump. Thence  
 North 3 1/2 East 60 1/2 poles to beginning, containing nine  
 and one seventh (9 1/7 acres.)

APPENDIX D-11

J. M. Redwine to Whitson A. Marks ( November 25, 1884 )

J. M. Redwine To W. A. Marks  
State of North Carolina

Stanly County) This deed made this twenty fifth day of  
)

November 1884 by James M. Redwine of Stanly County and of North Carolina on the first part--to Whitson A. Marks of Stanly County & State of North Carolina of the second part--Witnesseth that said James M. Redwine in consideration of one thousand dollars to him paid by W. A. Marks the receipt of which is hereby acknowledged has bargained & sold & by these presents do bargain sell & convey to said W. A. Marks & his heirs all the right title interest and estate of the party of the first part in and to a tract or town lot of land in Stanly County State of North Carolina adjoining the lands of in the town of Albemarle N. C. known as lots No. 39-40 part of 41 & part of No. 5. All of lot No. 41 is conveyed by this indenture except that portion owned by J. M. Bivins (illegible) bounds & others bounded as follows viz of which are set forth in the deed to said Bivins & all of lot No. 5 is conveyed by this indenture except that portion on which the store house stands Beginning at the South West corner of the store house on the streets & runs thence east 62 poles thence No. 45 poles thence west to the line of the streets thence with said line to the beginning to have and to hold the said lots or parcels of lands together with all the appurtenances thereunto belonging to him the said W. A. Marks & his heirs forever To have and to hold the aforesaid tract & lot & all privileges & appurtenances thereto belonging to the said W. A. Marks his heirs & assigns to his only use & behalf forever and the said James M. Redwine covenant that he is seized of said premises in fee & has right to convey the same in fee simple that the same are free & clear from all incumbrances & that he will warrant & defend the same against the claims of all persons whatsoever Intestimony whereof the said J. M. Redwine has hereunto set his hand & seal the day & year above written.

J. M. Redwine (Seal)

State of North Carolina)

Stanly County ) I A. C. Freeman Clerk of the Superior Court do hereby certify that James M. Redwine appeared before me this day & acknowledged the due execution of the annexed deed of conveyance Let the same be regis with this certificate be registered Witness my hand & official seal this 25 day of Novem. A. D. 1884

A. C. Freeman csc

Agreement of Gift

We, Patty Marks and Jo Dunn Tucker, being joint owners of the white frame cottage located to the rear of 132 North Second Street, having made a study of the need for and desirability of historic preservation in Albemarle and Stanly County wish to donate the aforesaid structure to the Stanly County Historic Properties Commission.

In recognition of the fact that time is needed to make arrangements for relocation of this structure, we, the grantors of this gift, agree to give the Stanly County Historic Properties Commission a maximum of twelve months if necessary from this date to effect this relocation and to insure the validity of this Agreement of Gift.

ATTEST:

Elmina Lane Arratt

Patty J. Marks

Miss Patty Marks

\_\_\_\_\_

Jo Dunn Tucker

Mrs. Jo Dunn Tucker

Date: June 18, 1975

## ORDINANCE NO. 74-14

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, DESIGNATING THE W. A. MARKS COTTAGE LOCATED TO THE REAR OF THE BUILDING KNOWN AS 132 NORTH SECOND STREET, ALBEMARLE, NORTH CAROLINA, NOW OWNED BY MRS. JO DUNN TUCKER AND MISS PATTY MARKS, A HISTORIC PROPERTY, AS DEFINED IN SECTION 160A-399.4 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Be it ORDAINED by the Council of the City of Albemarle as follows:

SECTION 1. The following-described site and the structure thereon owned by Mrs. Jo Dunn Tucker and Miss Patty Marks, hereby are designated historic properties as defined in Section 160A-399.4 of the General Statutes of North Carolina:

Being the W. A. Marks cottage located to the rear of the building known as 132 North Second Street, Albemarle, North Carolina.

SECTION 2. The Department of Public Works of the City of Albemarle is hereby directed to provide a suitable sign on the property that the property has been designated a historic property. Said sign shall be placed upon the property if the owners consent thereto, and if the owners object, shall be placed on the public right of way of North Second Street directly in front of the property.

SECTION 3. The waiting period set forth in G. S. 160A-399.4 shall be observed prior to the demolition, material alteration, remodeling or removing of the property described in Section 1 of this ordinance.

SECTION 4. The City Clerk shall furnish a copy of this ordinance (i) to Mrs. Jo Dunn Tucker and Miss Patty Marks, the owners of the property hereby designated a historic property; (ii) to the occupants, if any, of the aforesaid property; (iii) to the Stanly County Historic Properties Commission for filing in the office of the Register of Deeds for Stanly County; (iv) to the Building Inspector of the City of Albemarle; and the City Clerk shall cause a copy of this ordinance to be filed in the office of the City Clerk of the City of Albemarle and make said copy of the ordinance available for public inspection at any reasonable time.

This ordinance was introduced and signed by Councilman Efied a member of the Council of the City of Albemarle.

*Hugh H. Efied*

This ordinance was introduced and passed its first reading at the meeting of the Council held on July 15, 1974, and was continued for further hearing on August 19, 1974. At the meeting of the Council held on August 19, 1974, this ordinance passed its second reading, was adopted, and ordered published as by law provided.

Dated August 19, 1974.

*Robert L. [Signature]*  
Mayor

Attest:

*William B. Morris*  
Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1977  
RATIFIED BILL

CHAPTER 1045

HOUSE BILL 182

AN ACT TO APPROPRIATE STATE FUNDS FOR THE RESTORATION OF THE MARKS HOUSE AND ITS DEPENDENCIES IN STANLY COUNTY.

Whereas, in June of 1975, the Stanly County Albemarle Historic Properties Commission, organized pursuant to the provisions of Chapter 160A - 399.1 et seq. of the North Carolina General Statutes, acquired by gift The Marks House; and

Whereas, The Marks House is considered to be the oldest dwelling still standing in the City of Albemarle and one of the most important pre-Civil War dwellings still standing in Stanly County; and

Whereas, the North Carolina Department of Archives and History recognizes The Marks House as one of the best examples of the Piedmont Federal Style of architecture still in existence; and

Whereas, the Stanly County Albemarle Historic Properties Commission wishes to expand its preservation efforts by restoring and opening to the people of North Carolina this important structure; and

Whereas, with funds raised from private sources, supplemented and matched by funds from the State, federal, county and city governments, it will be possible to proceed with and complete the restoration work for The Marks House; Now, therefore,

