

Bond for Title

Elisha & Melvina Roberts to A. K. Steele — Comanche County, Texas

The State of Texas | Comanche County

Know all men by these presents: That we, Elisha Roberts and Melvina Roberts, his wife, of the County of Robertson, said State, by our attorney in fact, W. Carnes of Comanche County, said State — the said Carnes acting under a Power of Attorney from J.F. Woodward, who is our duly appointed attorney with power of substitution — acknowledge ourselves firmly bound unto A.K. Steele of Comanche County and said State in the sum of Six hundred Dollars Gold, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

The condition of the foregoing obligation is such that: whereas the said W. Carnes, agent as aforesaid, has this day bargained and sold to the said A.K. Steele, for and in consideration of a certain promissory note in words and figures as follows, to wit:

“(\$300.00) Twelve months after date I promise to pay Elisha and Melvina Roberts, or bearer, Three hundred Gold Dollars for part payment for 300 acres of land in Comanche County, a part of the Samuel Heath headright of 1476 acres.” (Signed)

— a certain tract or parcel of land lying and being situated in the County of Comanche, State of Texas, on the waters of Rush Creek, and described by metes and bounds as follows, to wit:

Beginning at the S.E. corner of the original Heath Survey; Thence West with the North line of the Ephes D. Payne survey 846.25 [varas] to a stake, from which a post oak marked “S” bears N. 38° W. 4 vs.; Thence North 2001½ vs. to intersect the North line of said Heath, at a little post oak, from which a post oak marked “S” bears S. 49° W. 4 vs.; Thence East 846.75 to the original N.E. corner of the Heath survey, from which a post oak marked “S” bears N. 4° E. 10 vs.; Thence South 2001½ vs. to the place of beginning — containing 300 acres, more or less.

Now, should the said A.K. Steele well and truly pay off, or cause to be paid off, the said note at maturity, the foregoing obligation shall be of full force and effect, should we fail to make, or cause to be made, to the said Steele a good and sufficient warranty deed to the foregoing described tract of land. But in case the said Steele fails to pay said note at maturity, then the foregoing obligation shall be null and void.

Elisha and Melvina Roberts, per W. Carnes, Agent

Witnesses: John Carnes, John Elliott

Acknowledgment

The State of Texas | County of Comanche

Before me, J.D. Bonner, Clerk of the District Court in and for said County and State, personally came and appeared W. Carnes, agent for Elisha and Melvina Roberts, to me known, and acknowledged that he had executed and delivered the foregoing conveyance as his voluntary act, and did, for the purposes and considerations therein expressed.

Given under my hand and Official Seal this 18th day of July, 1874.

J.D. Bonner, Clk. D.C.C.C. [Clerk, District Court, Comanche County]

Filed for Record at *[time uncertain in original scan]*, 1874. Land Recorded on same day, to which I certify.

J.D. Bonner, Clk., By C.B. Mason, Deputy

Summary

This is a bond for title (a conditional agreement to convey land, contingent on payment) from Comanche County, Texas. Elisha and Melvina Roberts, residents of Robertson County, acting through their attorney-in-fact W. Carnes (himself acting under a power of attorney from J.F. Woodward), agreed to sell 300 acres of land in Comanche County to A.K. Steele. The land was part of the Samuel Heath headright survey of 1,476 acres, located on Rush Creek, and is described with detailed metes-and-bounds survey markers (post oak trees marked "S," varas as the unit of measurement).

Steele paid via a \$300 promissory note due in twelve months. The bond stipulated that if Steele paid the note on time, the Roberts would be obligated to deliver a full warranty deed; if he failed to pay, the agreement would become void. The document was witnessed by John Carnes and John Elliott, acknowledged before J.D. Bonner, Clerk of the District Court of Comanche County, and filed for record on July 18, 1874 (recorded the same day, certified by Deputy Clerk C.B. Mason).