

**Probate, SC, York, JOHN O'BRIAN 1838**

Case number 2  
File number 47

**JOHN O'BRIAN** deceased  
**MARGARET O'BRIAN** applicant

1838

Probate, SC, York, JOHN O'BRIAN 1838

MARGARET O'BRIAN applicant ]  
vs ]  
MAJOR T HALL the guardian of ] summons in partition  
JOHN O'BRIAN over 14 years old ]  
and LAWRENCE K O'BRIAN under 14 ]  
defendant ]

On due examination it is ordered to and decreed that the lands described in the summons in partition in this case be sold by the sheriff of York District on the 22nd day of October this instant or on such other sale day as well be most for the advantage of the parties interested on a credit of twelve months the purchase paying 1/3 in cash the day of sale and the balance being interest from date received purchase giving bond with good security and mortgage of the premises if deemed necessary to the ordinary for the payment of the purchase money

**BENJAMIN CHAMBERS**, ordinary of York District

Probate, SC, York, JOHN O'BRIAN 1838

South Carolina ]  
York District ] October 22<sup>nd</sup> 1838

Know all men by these presents that we **MATILDA WOOD, JAMES BRIAN** and **MAJOR T HALL** are held and firmly bound to Benjamin chambers ordinary of the district aforesaid and his successors in office or assignees in the sum of nine hundred and eighteen dollars to which payment will and truly be made and done. We bind ourselves our heirs, executors and administrators jointly and severally firmly by these presents sealed with our seals and dated the 22nd day of October 1838.

The condition of the above obligation is such that if the bound **MATILDA WOOD** shall well and truly pay to **BENJAMIN CHAMBERS** ordinary as aforesaid his successors in office the sum of four hundred and fifty nine dollars twelve months from the above date with interest from date then this obligation to be void or else remain in full force and virtue.

Signed sealed in presence of

**MATILDA WOOD**  
**JAMES BRIAN JR**  
**M T HALL**

Atest **LAWRENCE CULLINDER**

**Probate, SC, York, JOHN O'BRIAN 1838**

Received October 25th 1838 of Mrs. **MATILDA WOOD** of the within bond at date of said bond \$153

**BENJAMIN CHAMBERS**

Received of Mrs. **MATILDA WOOD** \$332.47.75 in full of the principal and interest of the within bond January 15th 1840

**BENJAMIN CHAMBERS**

Probate, SC, York, JOHN O'BRIAN 1838

South Carolina ]  
York District ] October 1st 1838

**LAWRENCE CULLINDER** and **RICHARD M PRESSLEY** came before me **BENJAMIN CHAMBERS** ordinary for the district aforesaid and on oath saith they are acquainted with the tract of land the property of the estate of **JOHN O'BRIAN** deceased said to contain one hundred and fifty nine acres and one of opinion and recommend that the same be sold as most conducive to the interest of the parties in interest sworn to and subscribed before me day and year above written **BENJAMIN CHAMBERS** ordinary York District

**RICHARD M PRESSLEY**  
**LAWRENCE CULLINDER**

Probate, SC, York, JOHN O'BRIAN 1838

MARGARET O'BRIAN applicant ]  
vs ]  
M T HALL guardian of ]  
JOHN O'BRIAN and ] writ in summons  
LAWRENCE K O'BRIAN minor ]  
heirs at law of ]  
JOHN O'BRIAN deceased ]  
defendants ]

Land sold to Mrs. MATILDA WOOD for  $\frac{1}{3}$  cash the balance  
12 months after date bearing interest from  
22nd October 1838 \$459.00

deduct ordinary fees \$10.00  
James Brian sheriff's fees \$3.60

widow one third \$148.36.66

6.42  
Continued receiving paying out the sum of \$138.04

Received of BENJAMIN CHAMBERS ordinary of the district of York \$138.04 it  
being in full of my third of the estate of JONATHAN O'BRIAN sold to make  
partition among the heirs at law by order of the court of ordinary October  
25th 1838

test JAMES BRIAN JR

MARGARET O'BRIAN

**Probate, SC, York, JOHN O'BRIAN 1838**

Received of **BENJAMIN CHAMBERS** for the service rendered in the sale of the estate of **JOHN O'BRIAN** deceased by order of the court of ordinary to make partition amongst the heirs at law of said deceased \$3.60 Sheriff's cost and said case October 25th 1838

**JAMES BRIAN** sheriff

Probate, SC, York, JOHN O'BRIAN 1838

The within settlement continued

The amount of principal after the widows  
and heir deducted C ? \$296.93.33

Received on bond January 15th 1840 \$25.69  
1 year 2 months and 24 days interest and ? \$322.62.33

count off \$16.13

balance divided equally between JOHN O'BRIAN  
and LAWRENCE C O'BRIAN each \$153.24

received of BENJAMIN CHAMBERS ordinary of York District \$306.49.33  
in full of what is due to the two minor children of  
JOHN O'BRIAN deceased real estate Viz

JOHN W O'BRIAN JR and LAWRENCE C O'BRIAN for each the \$153.24  
sum as their guardian being the amount and interest  
due on the within sealed case January 15th 1840  
M T HALL guardian

settlement of the real estate of JOHN O'BRIAN deceased  
sold to make partition among the heirs at law order

22nd October 1838

recorded book on page 147



**Probate, SC, York, JOHN O'BRIAN 1838**

South Carolina ]  
York District ] October 1st 1838

Personally came before me **BENJAMIN CHAMBERS** ordinary of the said district and saith on oath that the within valuation is in and about the value of said tract of land within designated and feel well assured said land is not worth one thousand dollars.

Sworn and subscribed before me day and date above.

**BENJAMIN CHAMBERS**

**M T HALL**

**Probate, SC, York, JOHN O'BRIAN 1838**

The affidavits of **ALEXANDER BARNETT,**  
**DEMSEY COOK, WILLIAM COOK** and **M T HALL**

Respecting the value of the real estate of  
**JOHN O'BRIAN,** deceased

Probate, SC, York, JOHN O'BRIAN 1838

South Carolina ]  
York District ]

Personally appeared **WILLIAM COOK, ALEXANDER BARNETT** and **DEMPSEY COOK** and made oath that they would fairly and impartially and without fear favor or affection to any person whosoever appraise and value the plantation belonging to the estate of **JOHN O'BRIAN** on which the said **O'BRIAN** resided at the time of his death containing 153 acres more or less.

Sworn before me September 29th 1838.

**J M ROSS, QU**  
**DEMPSEY COOK**  
**ALEXANDER BARNETT**  
**WILLIAM COOK**

to **BENJAMIN CHAMBERS** Esquire, ordinary of York District

Probate, SC, York, JOHN O'BRIAN 1838

South Carolina ]  
York District ]

We **WILLIAM COOK, ALEXANDER BARNETT** and **DEMPSEY COOK** do hereby certify that after being duly qualified we have after having the premises valued and appraised the plantation belonging to the estate of **JOHN O'BRIAN** on which the said **O'BRIAN** resided at his death containing about 153 acres more or less adjoining the lands of **EDWARD BRANDON** estate of **MATTHEW BIGGERS, JAMES BIGGERS** and others at the sum of \_\_\_\_\_ September 29th 1838.

**ALEXANDER BARNETT**  
**DEMPSEY COOK**  
**WILLIAM COOK**

appraises at \$3 per acre amounting to \$459

Probate, SC, York, JOHN O'BRIAN 1838

South Carolina ]  
York District ] Writ in summons

To **MAJOR T HALL** guardian of the two minor heirs at law of **JOHN O'BRIAN** senior deceased estate one **JOHN O'BRIAN** over fourteen years old the other under fourteen years old legal heirs and representatives of **JOHN O'BRIAN** who died intestate.

Greeting you are hereby required to appear at the court of ordinary to be holden at York courthouse for York District on the first day of October 8th 1838 to show cause if any you can why the real estate of **JOHN O'BRIAN** senior deceased situate in said district on the waters of the Beaverdam a branch of Catawba River bounding on lands of **EDWARD BRANDON** the estate of **MATTHEW BIGGERS, JAMES BIGGERS, ROBERT AIKIN** and lands of Mrs. **AARON WOODS** and containing one hundred and fifty three acres originally granted to \_\_\_\_\_ should not be divided, sold allotted to the said **MARGARET O'BRIAN** the applicant one third thereof and the remaining two thirds in equal portions to the said **JOHN O'BRIAN JR** and **LAWRENCE K O'BRIAN** given under my hand and seal this 1st day of October 1838.

**BENJAMIN CHAMBERS**, ordinary of York District

[**ROBERT EAKINS** in census]

**Probate, SC, York, JOHN O'BRIAN 1838**

South Carolina ]  
York District ] October 1st 1838

Having read the within summons and having no objection to the object therein expressed, as guardian of the two minor heirs at law of said deceased do hereby consent that the lands be sold or divided agreeable to the within summons.

October 1st 1838

**M T HALL** guardian

Probate, SC, York, JOHN O'BRIAN 1838

Margaret O'BRIAN the applicant ]  
vs ]  
M T HALL the guardian of the ]  
two minor heirs of JOHN O'BRIAN ]  
deceased ]  
JOHN O'BRIAN ]  
LAWRENCE K O'BRIAN minors ] October 1st 1838

recorded book on page 145 and 146