

Will Probate, SC, York, James Brian Sr. 1830

YORK COUNTY]
SOUTH CAROLINA] WILL OF **JAMES BRIAN SR**
] 29-Nov-1830
]

IN THE NAME OF GOD AMEN

I, **JAMES BRIAN SR.**, of the State of South Carolina and District of York, being at this time weak in body but of a sound and disposing mind and memory, and calling to mind the mortality of mind and that it is appointed for him once to die, do hereby dispose of all the worldly treasure that it has pleased God to bless me with in the following manner.

But first I commend my soul to God, who gave it and my body, to be interred in a Christian like manner then as soon as convenient after my decease. I allow the whole of my estate, both real and personal, to be sold at public venue and out of the proceeds of sale my funeral expenses and all my just debts to be paid. I then leave and bequeath unto my beloved wife Mary the on third part of the remainder of the estate to be disposed of at her will and pleasure.

I then allow one thousand dollars to be taken out of the remaining two thirds and distributed among my six children by my first wife as follows (to wit) to my son **WILLIAM BRIAN** three hundred dollars, to my son **BENJAMIN BRIAN** two hundred dollars, to my son **AGUSTUS BRIAN** one hundred and fifty dollars, to my daughter **MARGARET MATTHEWS** one hundred and fifty dollars, to my daughter **NANCY GRIGORY** one hundred dollars, to my son by law **HUGH WALLACE** six dollars, to my daughter **DELILA WALLACE**, youngest child, ninety four dollars to be used by my daughter **DELILA** if she sees proper to do so. I then leave and bequeath unto my four sons by my present wife **MARY** to wit **JAMES, THOMAS, MOSES** and **AARON**, the whole of the remainder of my estate giving **THOMAS** fifty dollars more than **JAMES**, and **MOSES** fifty dollars more than **AARON**, and **AARON** and **JAMES** equal shares.

In testimony whereof I have hereunto set my hand and seal hereby revoking and making void all former wills and testaments by me heretofore made and ratifying and confirming this my Last Will and Testament and appointing my friend **JOHN S. MOORE** Esquire to execute this my Last Will and Testament, signed, sealed and acknowledged to be my Last Will and Testament this twenty ninth day of November in the year of our Lord One Thousand Eight Hundred and Thirty and in the fifty fifth year of the Independence of the United States of America.

Will Probate, SC, York, James Brian Sr. 1830

Signed, sealed and acknowledged in the presence of us who in the presence of each other and in the presence and at the request of the testator witnessed the due execution thereof.

JAMES BRIAN (X) {seal}

**S. MELTON,
THOMAS H. SMITH
SAMUEL CHAMBERS**

Probated December 2, 1840
Will Book #3 Page 10
Case No. 47
FILE NO. 968

Will Probate, SC, York, James Brian Sr. 1830

Case #47 File #1977

JAMES BRIAN deceased
JOHN S MOORE executor

1840

The last will and testament of **JAMES BRIANT** deceased

Proved December 2nd 1840

Recorded book of wills pages 10 & 11

WILL

JAMES BRIAN senior last will and testament

Will Probate, SC, York, James Brian Sr. 1830

Probated December 2, 1840

Will Book #3 P-10

Case No. 47

File No. 968

Will Probate, SC, York, James Brian Sr. 1830

South Carolina]] 2 Dec 1840
York District]]
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Came on personally came before me **BENJAMIN CHAMBERS** ordinary of the district aforesaid **SAMUEL MILTON** one of the subscribing witnesses to the last will and testament of **JAMES BRIAN** and they being duly sworn say it on over that find said will at the request of the testator and so did the other two subscribing witnesses **THOMAS H. SMITH** and **SAMUEL CHAMBERS** in his presence and in presence of each other and between that said testator was of sound mind memory understanding to the best of his belief and recollection sworn to and subscribed before me this 2nd day of December, 1840

S. MILTON

BENJAMIN CHAMBERS ordinary York District

Will Probate, SC, York, James Brian Sr. 1830

Appraisement bill of the estate of **JAMES BRIAN** senior deceased.

delivered to me on oath the 23rd February 1841

B. COYLE

Recorded book of Inventories & etc., Pages 63, 64, 65

47 ----1977

Will Probate, SC, York, James Brian Sr. 1830

Appraisement bill of a state of **JAMES BRIAN** deceased made by us sworn appraisers February 20th 1841.

one negro boy named LEWIS	\$675.00
one negro boy called BILL	\$625.00
one sealed note on JOHN MCCOY due 22nd of December 1840 for	\$100.00
one sealed note on J. D. ALEXANDER due 25th December 1840 for \$100.00 credited \$20.25.26 September 1840 Balance	\$79.70

Appraised by us 20th February 1841

G. W. WILLIAMS (justice of the peace)

JAMES THOMASSON
D. F. HALL
JOHN BAXTER

Will Probate, SC, York, James Brian Sr. 1830

The sale bill of the estate of **JAMES BRIAN** senior deceased returned to me on of the 23rd day of February 1841 recorded book of returns pages 65

Case No. 47 No. 1977

The sale bill of the estate of **JAMES BRIAN SENR.** deceased

February 3rd 1841

cross cut saw	WILLIAM MCGILL
2 plows, singletree, clevis	WILLIAM D THOMASSON
lot of hoes & maddock	JAMES BRIAN
cutting box	JAMES BRIAN
lot gear, bridal	HIRAM THOMASSON
lot old irons	JOHN BROWN
log chain	JAMES BRIAN
axe	JOHN BROWN
grindstone and crank	JAMES BRIAN
lot of pots & pot hooks	JAMES BRIAN
oven & lid	WILLIAM BRIAN
tub & pigin	WILLIAM BRYAN
churn, pigin & bucket	HIRAM THOMASSON
large pot	JAMES BRIAN
dinner pot	JAMES BRIAN
sieve	WILLIAM MCGILL
big wheel	JAMES THOMASSON
big wheel & cards	WILLIAM CLAWSON
steelyards	WILLIAM CLAWSON
demijohn and Doug	JAMES BRIAN
loom & reel	NELSON THOMASSON
man's saddle	JAMES BRIAN
tongs & shovel	J D GROVE
chairs	WILLIAM J CLAWSON
2 chairs	WILLIAM P THOMASSON
cupboard & contents	JAMES BRIAN
walnut table	HIRAM THOMASSON
chest	WILLIAM BRIAN
2 half round tables	WILLIAM BRIAN
bureau	WILLIAM BROWN
bed, bedstead & furniture	JOHN WALKER
two beds, bedstead & furniture	WILLIAM BRIAN
swing glass	GEORGE F WALLACE
knives, forks & delft	WILLIAM BRYAN
hide	JOHN MCCOY
cart	J R HOOD
1 stack fodder	W P THOMASSON
1 stack fodder	W P THOMASSON
1 stack fodder	W P THOMASSON
2 hogs	JOHN WALLACE
1 dun cow and calf	GEORGE LOI

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1 brindle cow and calf	JAMES BRIAN
1 bell cow and calf	A G LAWRENCE
1 mooley cow	H LANCE NEELY
1 red heifer	JAMES BRIAN
1 pied mooley heifer	H C THOMASSON
1 mooley steer	W C BEATTY
1 horned steer	P A THOMASSON
1 sorrel horse	RUBEN DOOLIN
1 sorrel mare	SAMUEL W. TARIS
1 Negro woman MASS & 3 children ISAAC, CHARLES, JOSHUA	JAMES BIGGER
1 Negro boy ABRAHAM	MRS. MARY BRIAN
1 Negro boy TOM	MRS. MARY BRIAN
1 Negro girl NANCY	MRS. MARY BRIAN
1 Negro woman SUE and child JACOB	MRS. MARY BRIAN
1 Negro girl MARY	MOSES BRIAN
1 Negro girl HARRIET	MOSES BRIAN
1 Negro boy GRIEF	JAMES BIGGER
1 Negro boy SQUIRE	JOHN MCCOY
1 track land 377 more or less	JAMES BRIAN

Sale bill of sale estate 20th February 1845

1 Negro boy BILL to	THOMAS BRIAN
1 Negro boy LEWIS to	JAMES BRIAN

Will Probate, SC, York, James Brian Sr. 1830

WARRANT OF APPRAISEMENT – P Carey, Printer

STATE OF SOUTH CAROLINA]
YORK DISTRICT.]

BY **BENJAMIN CHAMBERS**, Esq. Ordinary of York District.

These are to authorize and empower you, or any three or four of you, whose names are here-under written, to repair to all such parts and places within this State as you shall be directed unto by John S. Moore, Executor, of the goods and chattels, rights, and Credits of **JAMES BRIANT** late of York District deceased, wheresoever any of the said goods and chattels are or do remain within the said parts and places, and which shall be shown unto you by the said **JOHN S. MOORE** and there View and appraise all and May the said goods and chattels, being first duly sworn on the Holy Evangelist of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, or any three or four of you, unto the said **JAMES S. MOORE** on or before the Second day of February next.

Witness, **BENJAMIN CHAMBERS**, Esquire, Ordinary of the said District, the Second day of December in the year of our Lord, one Thousand eight hundred and forty and in the sixty fifth year of American Independence.

To Messrs. **JAMES THOMASSON** Esq, **JAMES THOMASSON SENR.**, **ANDREW KERR**, **THOMAS WARREN** & **JOHN BAXTER**, **GEORGE WILLIAMS** & **DANIEL F. HALL**.

BENJAMIN CHAMBERS OYD (Ordinary of York District).

MEMORANDUM. – That on the second day of February in the year of our Lord one thousand eight hundred and forty one personally appeared before me **G. W. WILLIAMS** on of the Justices assigned to keep the peace York district – **JAMES THOMASSON**, **JOHN BAXTER** & **DANIEL HALL** being three of the appraisers appointed to appraise the goods and chattels of **JAMES BRIAN**, **SENR.** Late of York District, deceased, who being duly sworn, made oath, that they would make a just and true appraisement of all and singular, the goods and chattels of the said **JAMES BRIAN** deceased, as shall be produced by **J. S. MOORE**, Executor of the estate of the said deceased, and that they would return the same, certified under their hands, unto the said **J. S. MOORE**, Executor, as aforesaid, on or before the seconds day of February next.

Sworn, the day and year above written, before me **G. W. WILLIAMS**

Will Probate, SC, York, James Brian Sr. 1830

South Carolina]
York District] 6 Jan 1841
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TO **BENJAMIN CHAMBERS** Esquire ordinary of York district

Your petitioner, **JOHN S. MOORE**, executor of **JAMES BRIAN** deceased showing that he is the executor of the last will and testament of said deceased and that the deceased ordered the whole of his estate both real and personal to be sold and division made their own by me therefore your petitioner prays an order of sale directing me to sell the property of said deceased on the 3rd day of February next agreeable with the will of the testator and your petitioner will ever pray **JOHN S. MOORE**.

January 6th 1841

Will Probate, SC, York, James Brian Sr. 1830

LETTERS TESTAMENTARY.

Printed and Sold by W. Riley, 41 Broad street

STATE OF SOUTH CAROLINA]
York District]

BY **BENJAMIN CHAMBERS** Esquire, Ordinary.

To all to whom these Presents shall come - GREETING.

KNOW YE, That on the second day December which was in the year of our Lord one thousand eight hundred and forty the last will and testament of **JAMES BRIANT** late of York District in this State, of South Carolina. deceased, was proved, approved, and allowed of; the said deceased having, whilst he lived, and at the the time of his death, divers goods, rights, and credits, within the State aforesaid; by means whereof the approbation and allowing of his testament, and the power of granting the administration of all and singular the goods, rights, and credits, of the said deceased, to me is manifestly known I to belong, and that the administration of all and singular the goods, rights, and credits of the said deceased, and his testament, any manner of way concerning, was granted and committed unto **JOHN S. MOORE** named executor in the said last will and testament: being first sworn on the Holy Evangelists of Almighty God, well and faithfully to administer, and make a full and perfect inventor of all and singular the goods, rights, and credits, of the said deceased, and to exhibit the same into the Ordinary's Office, in York Court House in order to be recorded, on or before the Second day of March now next ensuing; and to render a just and true account, calculation, and reckoning thereof, when thereunto required.

BENJAMIN CHAMBERS OYD (Ordinary, York District).

IN TESTIMONY WHEREOF, I have hereunto set my Hand and Seal, the Second day of December in the year of our Lord one thousand eight hundred and forty and in the Sixty fifth year of American Independence.

ORDINARY'S OFFICE,

Recorded, Book]
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JOHN S MOORE Esquire executor to the estate of JAMES BRIAN senior deceased the amount of sale bill	\$7,883.77.00
note and interest on JOHN MCCOY	\$108.00.00
note and interest on JAMES D ALEXANDER	\$86.72.75
sum of above	\$8,078.49.75
by JOHN H. ADAMS proven account	\$10.50
by JOHN H. WILLIAMS	\$7.25
by THOMAS H. SMITH account	\$12.00
by WOOD BEATTY & Co.	\$23.75
by J. M. YOUNGBLOOD	\$11.56.25
by J. E. GRIST	\$2.00
by JAMES MCELHANEY auctioneer	\$5.00
by Moore and Adcock account	\$2.00
by BENJAMIN CHAMBERS account	\$7.68.75
by M P MCFADDEN account	\$1.25
by ANDREW FORSYTH account	\$0.50
taxes for the year 1840	\$14.54
execution by J D ALEXANDER	\$79.75
returned Nulla Bond	\$6.97.75
cost on the above case paid	\$14.00
JAMES BRIAN JR account	\$11.92.50
commission on \$8,078.49 as of cost	\$403.92.25
BENJAMIN CHAMBERS receipt for fees	\$7.33
	\$7,456.55.25
widow by will one third	\$2,485.51.25
	\$4,971.04
agreeable to will to his first wife's children	\$1,000.00
agreeable to will THOMAS BRIAN and MOSES BRIAN each \$50	\$100.00
agreeable to will balance divided	\$3,871.04
equally divided among THOMAS BRIAN, MOSES BRIAN, JAMES BRIAN and AARON BRIAN	\$967.76

Will Probate, SC, York, James Brian Sr. 1830

South Carolina] 4 Feb 1841
York District]
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BY **BENJAMIN CHAMBERS** Esquire ordinary for the district aforesaid where JOHN S. MOORE executor of the last will and testament of **JAMES BRIAN** senior deceased has petition the court for the liberty to sell the whole of the real and personal estate of the said deceased in conformity with his last will and testament; and it appears proper, upon due investigation, to grant the prayer of the said petitioner these are there for to permit and empower the said executor to expose to sale at public outcry at the deceased late residence on the 3rd day of February next and they following if it is necessary all the property of the said estate both real and personal which may have come into his hands to the highest bidder on the date of 12 months for all items above \$2 or \$2 and under cash taken or bound with sufficient security for all sums above \$2. Fifteen days previous notice to be given by public advertisement and a return of the proceedings of set sale to be by him made to the ordinary's Office aforesaid within the term prescribed by law given under my hand and seal of office at York courthouse on the 5th day of January AD 1841 **BENJAMIN CHAMBERS** ordinary York District

N. B. two of the Negroes of the estate of **JAMES BRIAN** deceased being absent on the day of sale it is ordered that they be sold at the York District Court house on the 20th day of February 1841 on the same conditions as above with the exception that they be sold on a credit of 11 months. Given under my hand and seal as above February 4th 1841,

BENJAMIN CHAMBERS ordinary York District.

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JOHN S. MOORE, Executor of **JAMES BRIAN** Senr. Last Will and Testament March 23rd 1842

Recorded book returns pages 204, 205

Case No. 47 No. 1977

Will Probate, SC, York, James Brian Sr. 1830

Amount agreeable to will due each legatee

amount due to Mrs. MARY BRIAN	\$2,485.57.25
WILLIAM BRIAN	\$300.00
BENJAMIN BRIAN	\$200.00
AUGUSTUS BRIAN	\$150.00
MARGARET MATTHEWS	\$150.00
NANCY GREGORY	\$100.00
HUGH WALLACE	\$6.00
DELILAH WALLACE and youngest daughter	\$94.00
THOMAS BRIAN	\$1,017.76
MOSES BRIAN	\$1,017.76
JAMES BRIAN	\$967.76
AARON BRIAN	\$967.76
total	\$7,456.55.25

sworn to before me March 23rd 1842 **BENJAMIN CHAMBERS** ordinary York District