

Will, SC, Spartanburg, Thomas Brian 1871

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South Carolina] 5-Jan-1871
Spartanburg County] Will of **THOMAS BRIAN**
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In the name of God, Amen

I **THOMAS BRIAN** of the County and state aforesaid, do make this my last Will and Testament in manner form following (viz).

1st I charge to my son **JAMES M BRIAN**, the sum of thirteen Hundred Dollars for the tract of land which I have already deeded to him the same on which he formerly lived, as a part, or the whole, of his distributive share of my estate as the case me be.

2nd I give to my Son **JOHN F BRIAN**, the tract of land on which he now lives, known as the **MCBRIDE** land, and bounded as set forth in a plat recently made by **WILLIAM CAMP** surveyor, containing one hundred and ninety two acres (1920) also an other lot containing one hundred five Acres, (105) (Lot No. 1), known as the Sizemore land, and represented on said plat as lying between the red and blue lines on said plat, the above lots of land to be given to him, his heirs and assigns forever, and given to him as a part, or the whole of his distributive share o my estate, as the case may be, and valued to him at thirteen hundred Dollars (1300).

3rd I give bequeath to my son **AARON BRIAN** the tract of land known as the **DEAN** Land located on White Oak Creek, Polk County, NC, containing two hundred and ten Acres more or less, to him and his heirs and assigns forever the same given to him, as a part, or the whole of his distributive share of my estate as the case may be, and valued to at thirteen hundred Dollars (1300).

4th I give bequeath to my wife **NARCISSA BRIAN**, the lot of land represented on the above named plat as the homestead, and benefit during her natural life and at her death to be equally divided between my children.

5th I will and bequeath to my daughter **MARTHA** the exclusive use of that portion of the family dwelling house now occupied by myself and family, known as the T end of the house, together with all the furniture property, and appurtenances, then in contained also the right to enter and occupy said room as an exclusion right, also to occupy the entire dwelling at pleasure, in common, with any one else occupying the house at the same time; all these privileges to be continued to her during her natural life or during her will and pleasure, also I give and bequeath to my daughter **MARTHA** a specific legacy of four hundred Dollars over and above her equal share of my estate, the said four hundred Dollars to kept at Interest, the annual proceeds of which to be applied to her exclusive benefit during her natural live and at her death the principle to revert to my estate and divided among my children.

6th It is my Will and desire that no charges shall be made, against any of children for property or money previously given to them by me at any time, except the land above stated Deeded to my son **JAMES M BRIAN**.

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7th If my estate should be forced to pay an amount for which I am bound as the security to my son in law **WILLIAM H FOSTER** Deceased, in a guardianship for the children of **ROBERT WALL** Deceased, then it is my Will that my estate be indemnified out of the share in my estate of my daughter **MARY FOSTER**, wife of said **WILLIAM H FOSTER** Deceased, also in like manner for any liability that my estate may incur from my securityship in the case of the administration of the said **MARY FOSTER** in the estate of her husband **WILLIAM H FOSTER** Deceased.

8th It is my Will and desire that all my estate not included in the above bequest, both real and personal be sold or disposed of in such manner, and such time, as my Executor whom I will herein after appoint, shall think best, and the proceeds, thereof be so divided between my children **JAMES M BRIAN**, **J F BRIAN**, **AARON BRIAN**, **JANE LILES**, **MARY FOSTER** and **MARTHA BRIAN**, in such a manner as that they shall all be made equal on final division of my estate, the land, received by **J M BRIAN**, **J F BRIAN**, **AARON BRIAN** being counted to them as so much received by them, and if an final division of my estate it should be found that these tracts of land valued to each of them at (\$1300) thirteen hundred Dollars should be more than their distributive share, then it is my Will that they should refund to my estate till all of my children shall be made equal except my daughter who shall receive over above her equal share the above specific legacy named.

9th I Will to my wife **NARCISSA BRIAN** in addition to the bequest above mentioned one years provision, and so much of my house hold and kitchen furniture, live stock and other articles of personal estate, as may be necessary to her comfort, and convenience, and that my executor exercise a prudent discretion in providing liberally for her comfort in this provision of my last Will Testament.

10th I nominate and appoint my son in law **HENRY LILES** Executor to this my last Will Testament vesting in him and hereby clothing him with all necessary power to sell and make titles to my land not mentioned in any of the above bequests, and to divide the same into lots, if in his opinion said land would sell better by such division.

11th It is my Will that if **HENRY LILES** above named should decline the acceptance of the appointment of Executor to this my last Will and Testament (I sincerely hope he will not decline) my children named above shall select some suitable man to act in his place, and I hereby clothe whoever they may chose with the same powers that I have vested in my executor above named.

12th It is my Will that my wearing apparel together with my watch and gold shirt buttons be given to my Son **J F BRIAN**, and that he keep the same as a memento of a Fathers affection to him, and the family whom he represents. I declare this, as above set forth, to be my last Will and Testament revoking all others by one at any time made. In witness there of I hereunto, in the presents of these witnesses, set my hand seal.

This the 5th day of January 1871

Will, SC, Spartanburg, Thomas Brian 1871

THOMAS BRIAN

Witnesses

**JOHN LANDRUM
BOOKER BOMAR
WILLIAM M WALL**