

Probate, SC, York, James Brian Jr. 1878

South Carolina ]  
York County ] In Probate Court  
] ]  
**J F WALLACE** ] Petition of Administrator  
Admin of **JAMES BRIAN JR,** ]  
Deceased ] 2-Dec-1878  
] ]  
Requiring defaults herein ]  
to account for personal ]  
property alleged to belong ]  
to the estate of the deceased ]  
] ]  
Against ]  
**M J BELL, T J BELL,** ]  
**JAMES B BELL** ] \*NOTE\*  
] **JAMES B BELL & M A BRIAN** are siblings  
Defendants ]  
**JEROME M BRIAN,** ]  
**M A BRIAN** ]

**J F WALLACE**, administrator, appears by **W B WILLIAMS** Esq defendants with **C E SPENCER** Esq, their attorney, 2nd December 1878.

**JAMES B BELL**, sworn says a bay mare, alleged to be the property of the estate of the deceased, is deponent's property, deponent first owned the dame given to him by his grandfather, the deceased. Deponent returned the dame in exchange received the present bay mare; deponent regarded the saddle as his gift. Saddle mare in possession of **J M BRIAN**. Interest in cow claimed by deponent, interest therein derived from pasturing cattle for **BOYD** and others. Deponent received on half for attention to cattle. Deponent has a gold watch in possession.

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Watch was delivered to deponent's mother when he was about fifteen years old. Deponent has the watch now in possession. Admitted, a possession as a deed of gift of watch to deponent dated 17th May 1873, attested by **J B BRIAN**. Deponent claims shotgun, now in possession of **J M BRIAN**. The gun, a gift from **JAMES BRIAN**, deceased, to deponent:

Declarations of deceased objected to by Administrator's attorney. Deponent also claims a sword, as a gift made him by deceased in his lifetime, now in possession of **J M BRIAN**.

Deponent has not informed the administrator that he claimed articles before mentioned, does not know whether the administrator was advised as to the articles or not. Deponent lived with his grandfather from infancy. As to the

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saddle, deceased said to deponent, he would not need the saddle long and when he, deceased, was done with it, the saddle, deponent, might have it.

In reply:

Deponent says the gray mule belongs to his father, **T J BELL**, deceased in his lifetime borrowed the mule as they were scarce of horses and mules. Deponent says his father sent word to deceased to keep the mule until he, **T J BELL**, sent or called for it. Deponent says the hog, is the property of **M A BRIAN**. Deceased gave the hog to his sister. Deponent says the silver watch was given to **J M BRIAN** by deceased, he, deponent, heard the deceased say he had given the silver watch to **J M BRIAN**. Deponent says the gray mule is the property of **J M BRIAN**. Deponent says deceased gave the mule to **J M BRIAN**. Deceased said the mule was **J M BRIAN**'s after he, **J M BRIAN**, claimed it. Deponent knows that **J M BRIAN** paid deceased a note before death of deceased, does not know amount.

**J MARTIN BRIAN**, sworn, says the gray mule came from **T J BELL**, does not know whether his grandfather bought the mule or not.

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Deponent says his grandfather gave the bay mare to **JAMES BRIAN BELL**, deceased said the mare was Jimmies, sometime back. Deceased never called the mare anything else than Jimmies mare. Deponent says his grandfather called him in said he had given a bed to each of the following persons to wit: one to Mrs. **BELL**, one to Mrs. **J M BRIAN** one to 'Bide' Brian, nurse in last illness. And deceased asked deponent to see that they received the beds. Deponent no one claims the calf, the steelyards, cob grinder, sausage grinder, tubs, boxes or barrels, or his pistol, or mahogany box.

Deponent received the pistol from **D M HALL** but deceased claimed it as his. Deponent says deceased gave the hog to **M A BRIAN** in his presence. Twas given her when a pig **M A BRIAN** has always taken care of it. Deponent says he heard **J BRIAN BELL** ask deceased to buy him a saddle and deceased said he had a saddle, that would do for both of them. Deponent says **J B BELL** received half of the proceeds of one cow sold.

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and he heard deceased say **J B BELL** was to have half of the one now on the premises. Deponent says deceased gave him the silver watch, and when deceased handed him the watch said he had given **J B BELL** the gold watch. Deponent has been using and has had in his possession the silver watch about three years. Deponent heard deceased say he had given the gun and sword to **J B BELL**. Deponent has controlled the gray mule for three years now in his possession. The colt, given him by **D M HALL**. Deponent loaned mule for some time to **W N JACKSON** for it's feed. Deponent says owed deceased a note about the 1st of July, when he paid it. The note, same as testified to by **J B BELL**. Amount of note \$127. Note has been destroyed. Never owed deceased any other note.

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Deponent says his wife, **M A BRIAN**, resided with deceased, her grandfather. Deponent received the pistol from **D M HALL**. Deceased got the pistol one day from some purpose and said it was his. The deceased and he put the pistol in his drawer.

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**T J BELL**, sworn, says he knows a gray mule, now in deponent's possession, deponent loaned to deceased to work. Deponent there was no sale of the mule to deceased. After or before the mule was loaned, deponent borrowed \$70 from the deceased, which he was never paid. On one occasion Col. **JACKSON** deceased were at deponents house. Col. **JACKSON** wanted to buy the gray mule, and deceased said he would like to keep the mule deceased did keep the mule until he died.

**W S WOOD**, sworn, says he knows that deceased needed a mule, the were high priced at the time. Deceased went to **T J BELL**'s and came back with a gray mule, and said deceased told deponent, he got the mule from **T J BELL** for it's feed. Deponent says a good mule is worth \$25 to \$30 a year. Deponent heard deceased say, he had given **J BRIAN BELL** his gold watch, sword and gun. Deponent says he had heard deceased speak of the gray mule as **J M BRIAN**'s mule deponent knows that **J M BRIAN**.

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Mrs. **M A BRIAN**, sworn, says she heard her grandfather, deceased, say many times he gave the mare to Jimmie. Deponent heard deceased say Jimmie was to have the saddle after his death, or whenever he, the deceased, was done with it. Deponent heard deceased say Jimmie, Mr. Boyd wants you to raise him another cow, take care of the cow and the half interest is yours. Deponent heard deceased say the gold watch was Jimmie's and the silver watch was **J M BRIAN**'s. Deponent says deceased said the gun and sword were Jimmies. Deponent says she heard deceased say he had given the gray mule to **J M BRIAN**. Deponent says her husband, **J M BRIAN**, paid deceased a note of \$127 and she saw deceased hand her husband the note after payment.

Mrs. **M J BELL**, sworn, says that she heard her deceased father say he had given **M A BRIAN** a bed and that he wanted the old negro women to have a bed for her services as nurse during his sickness. Deponent says paper, exhibit A, was sent to her with the gold watch.

A bed was delivered to the nurse before the death of the deceased.