

Probate, SC, York, James Brian Jr. 1878

South Carolina ]  
York County ] In the Comm. Please  
 ]  
**MARTHA J. BELL:** ]  
Plaintiff against ] Relief Injunction  
 ]  
**AARON W. BRIAN** ]  
**MARTHA J. SMITH** ]  
**NANCY E. THOMASSON** ]  
**JAMES M. BRIAN** ]  
**SUSAN E. FLOYD** ]  
**MARY J. WRAY** ]  
**DANIEL M. HALL** ]  
**SALLIE HALL JEFFERYS** ]  
who with plaintiff are ]  
heirs-at-law ]  
 ]  
and **JOSEPH T. WALLACE,** ]  
administrator of ]  
**JAMES BRIAN,** deceased ]

The plaintiff above named, complaining of the defendants herein alleges: That on the day of October 1878 **JAMES BRIAN** departed this life, intestate having left as his heirs-at-law his living children the plaintiff and the defendant **AARON W. BRIAN**, and his grand-children the other defendants named herein as heirs-at-law, to wit. **MARTHA J. SMITH** only child of **JAMES T. BRIAN**, a deceased son **NANCY E. THOMASSON** and **JAMES W. BRIAN**, children of **JEROME B. BRIAN**, another deceased son, and **SUSAN E. FLOYD**, **MARY J. WRAY**, **DANIEL M. HALL** and **SALLIE HALL JEFFERY**, children of **MARY A. HALL**, a deceased daughter of the said **JAMES BRIAN**, deceased.

That the said **JAMES BRIAN** at the time of his death was seized in fee of the following real estate situated in said county and state:

To wit: All that certain body of land, containing Fifteen Hundred Acres, more or less lying about four miles north of York Cst. bounded by lands of **W. B. NUTT**, **R. R. MCCORKLE**, **HIRAM THOMASSON**, **WM. WOOD** and others, and made ref of the following tracts the Youngblood tract, the Hagins tract, the Brumfier tract, the Denson tract, the Wood's tract, the House Place and other tracts.

That the defendant **JOSEPH F. WALLACE** is the duly qualified administrator of the goods and chattel, rights and credits of the said **JAMES BRIAN**, deceased, by virtue of letter from out of this Court to him on the day of October A. D. 1878. that the personal property of the said **JAMES BRIAN** is wholly insufficient to pay his debts, and that a portion of the lands described above have been seized by the sheriff of York County under sundry Executions issued upon judgments against the land **JAMES BRIAN**, deceased. and that the lands so seized are advertised to be sold on Saturday in December next, in satisfaction of the said judgment debts.

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That plaintiff recognizes the fact that all the debts of the said **JAMES BRIAN** should be paid, but in confidence that a sale under Execution and for cash, and in the bodies as levied on, will be very detrimental to the interests of plaintiff, and that said lands can be sold by this court in bodies, and upon terms, that will insure much larger returns than can be hoped for under the sale now proceeding. Wherefore plaintiff prays judgment:

1. That **R. H. GREEN**, the sheriff of York County be enjoined from selling the lands of the said **JAMES BRIAN** now under levy and advertisement for sale.
2. That the lands described herein be sold by this Court upon such terms as may be just for the purpose of paying the debts of the said **JAMES BRIAN**, deceased, according to their legal priority, and for petition of any residue against the heirs-at-law according to their respective interests in the same under the facts stated herein.
3. That the creditors of the said **JAMES BRIAN**, deceased, be called in by publication according to the usual practice of this Court, to know their demands according to law.

Court of Common Pleas  
York County  
1879 Judgment Roll #761