

Probate, SC, York, Mary Brian 1842

South Carolina]
York District] 10 September 1842

In the name of god Amen.

I, **MARY BRIAN** widow of **JAMES BRIAN** senior, deceased, of the state of South Carolina and the district of York being fare advanced in life and knowing certainty of death and the uncertainty of the time thereof and desirous of settling my worldly affairs, also of sound mind memory and understanding, do constitute and appoint this to be my last will and testament, revoking and disannulling all other wills and testaments and writings buy me heretofore made and constituting in appointing this my last will and testament and none other.

IMPRIMIS My will and desire is that my body be decently interred and my funeral expenses and all other debts paid out of my estate.

SECONDLY I will and bequeath unto my son **THORNTON JONES** one hundred dollars.

THIRDLY I will and bequeath unto my son **JOHN JONES** one hundred dollars.

FOURTHLY I will and bequeath unto my daughter **MILLEY**, formerly the widow of **ROBERT KERR** but later married to whom not known one hundred dollars.

FIFTHLY I will and bequeath unto my four sons **JAMES BRIAN, THOMAS BRIAN, MOSES BRIAN**, and **AARON BRIAN**, all and singular the residue and remainder of my estate, real or personal, rights, credits & c. to be equally divided between them, share and share alike, and my negros if I have, privilege of choosing their masters upon division.

LASTLY I appoint my son **JAMES BRIAN** executor of this my last will and testament, in testimony whereof i have hereunto set my hand and seal this 10th day of September in the year of our lord one thousand eight hundred and forty two.

MARY BRIAN {seal her X mark}

Signed, sealed and delivered in presence of

JAMES C. THOMASON

THOMAS WARREN

H. C. THOMASON [HIRAM CAZORT THOMASON]

Probate, SC, York, Mary Brian 1842

South Carolina]
York District] 8 October 1842

In the name or god Amen I **MARY BRIAN** of the district and state aforesaid being sick and weak in body but of sound and disposing mind memory and understanding & considering the certainty death and the uncertainty of the time there of and being desirous to settle my worldly affairs and there by be the better prepared to leave this world when it shall please god to call me hence I do therefore make and publish this my last will & testament in manner a form following that is to say First and principle, I commit my soul into the hands of almighty god, and my body to the earth to be decently buried and after my debts and funeral charges are paid

ITEM 1st it is my will that the Reverent **JAMES B. THOMAS** preach my funeral sermon

ITEM 2nd I will and bequeath to my oldest son **THORTON JONES** one hundred dollars and to my son **JOHN JONES** one hundred dollars and to daughter **MILLEY KERR** one hundred dollars should she be living if not her proportion to her children the above money to be paid one year after my decease and to be paid out of a sealed note which I hold on **DANIEL F. HALL** for eight hundred and fifty dollars.

ITEM 3rd I will and bequeath the balance of the said note above mentioned after my debts are paid and my four Negroes viz. SUE, TOM, NANCY and JACOB to be equally divided between my four younger sons viz. **JAMES BRIAN, THOMAS BRIAN, MOSES BRIAN & AARON BRIAN** to have share and share alike.

ITEM 4th it is my will for the Negroes to be sold or divided as may best suit the legatees above mentioned.

ITEM 5th I will and bequeath to my Daughter in Law **SUSAN BRIAN** wife of **JAMES BRIAN** my wearing apparel, two beds & furniture, two half round tables, one chest, one trunk, five chairs and my saddle rand Dresser tare item 6th I will & bequeath to my son **JAMES BRIAN** the horse that he gave to me & my stock of hogs together with the balance of my estate.

Item 7th And lastly I do hereby constitute and appoint my son **JAMES BRIAN** sole Executor of this my Last will & testament revoking and annulling all former wills by me heretofore made ratifying this & none other to be my last will & testament.

Probate, SC, York, Mary Brian 1842

In testimony whereof I have hereunto set my hand and affixed my seal 8th of October in the year of our Lord one thousand eight hundred and forty two.

MARY BRIAN {seal, her X mark}

Signed Sealed published & declared by MARY BRIAN the above named testator as and for her last will and testament in the presents of us who at her request in her presents & in the presents of each other have subscribed our names as witness thereto

DANIEL F. HALL
WILLIAM S. WOOD
JOSEPH R. HOWE

Probate, SC, York, Mary Brian 1842

Probated December 13, 1842

Will book "3" P-49

Case up. 71

File no. 1062

Case # 71

File #3518

The last will and testament of **MARY BRIAN** deceased

Approved December 13th 1842

JAMES BRIAN qualified as executor

recorded in Book of wills pages 49 and 50

formal page 41 **MARY BRIAN** last will

Probate, SC, York, Mary Brian 1842

SOUTH CAROLINA]
YORK DISTRICT]
]

Personally came before me are **DANIEL F. HALL, WILLIAM S. WOOD** and being duly sworn saith on oath that they were subscribing witnesses to the last will and testament of Mrs. **MARY BRIAN** late of York District deceased that they signed their names to witness to her request in her presence and in the presence of each other that she was at the time of sound mind memory and understanding to the best of their knowledge and belief sworn to and subscribed before me December 13th 1842.

BENJAMIN CHAMBERS, ordinary York District

DANIEL F. HALL
WILLIAM S. WOOD
JOSEPH R. HOWE

At same time qualify **JAMES BRIAN** executor

BENJAMIN CHAMBERS, ordinary York District

Probate, SC, York, Mary Brian 1842

SOUTH CAROLINA]
YORK DISTRICT]
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The petition of **JAMES BRIAN** executor of Mrs. **MARY BRIAN** sheweth that she previous to her death made a last will and testament and appointed him her executor leaving a considerable personal property devising him to divide the same or so therefore in order to comply with said request he therefore pray that you will grant him an order to sell said property for division as most of legatees live at a considerable distance and a division would be almost impractical without considerable delay and even then the property might have to be sold to make said division.

Your petitioner will ever pray & C.

December 13th 1842

JAMES BRIAN

Probate, SC, York, Mary Brian 1842

SOUTH CAROLINA]
YORK DISTRICT]
]

By **BENJAMIN CHAMBERS** Esquire ordinary York District

These are two authorized and empower as any three or four of you whose names are here under written to repair to all parts and places with in this district as you should be directed to buy **JAMES BRIAN** named executor of all and singular the goods rights and credits of Mrs. **MARY BRIAN** late of York District deceased when so ever any of the said goods and chattels of the said deceased are or do repair within the said parts and places and which shall be shown on to you by the said **JAMES BRIAN** and these review and appraise all and every the said good and chattels being first duly sworn to make a true and perfect inventory and appraisement thereof and to cause the same to be returned under your hand as or any three or four of you to the said **JAMES BRIAN** on or before the 10th day of February next ensuing.

The 13th day of December 1842 and in the sixty seventh year of American independence.

BENJAMIN CHAMBERS,

THOMAS WARREN
JAMES BAXTER
WILLIAM C. BEATTY
WILLIAM WRIGHT
DAVID WALLACE

BENJAMIN CHAMBERS ordinary York district

Probate, SC, York, Mary Brian 1842

Memorandum this 26th day of February 1843

Personally appeared before me, BENJAMIN CHAMBERS, ordinary of York District, **WILLIAM C. BEATTY, THOMAS WARREN** and **DAVID WALLACE** being three of the appraisers appointed to appraise the goods and chattels of Mrs. **MARY BRIAN** deceased who being duly sworn made of that they would make a just and true appraisement all and every market goods ready money only accepted Mrs. **MARY BRIAN** deceased as Shall be produced by **JAMES BRIAN** executor of the estate of said Mrs. **MARY BRIAN** deceased and that they would return the same certified under their hands on to **JAMES BRIAN** on or before the 10th day February

BENJAMIN CHAMBERS ordinary York District

W. C. BEATTY
THOMAS WARREN
DAVID WALLACE

Probate, SC, York, Mary Brian 1842

Warrant of appraisement

Mrs. **MARY BRIAN** deceased Estate

JAMES BRIAN executor

December 13th 1842

Case #71

File #3518

Probate, SC, York, Mary Brian 1842

JAMES BRIAN executor of last will and testament of **MARY BRIAN** deceased

First settlement the 19th day of March 1844

To the amount of sale bill due 17th February 1844	\$1,053.00
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To the amount of DANIEL F HALL and JAMES BRIAN note and interest	\$961.25
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legacy due to:	
THORNTON JONES	\$100.00
JOHN JONES	\$100.00
AMELIA ARNOLD	\$100.00
	\$-300.00

\$661.25

\$1,714.25.00

by THOMAS SMITH for coffin	\$14.00
by JOHN ADAMS proven account	\$12.56.25
by J. C. THOMASSON proven account	\$5.00
by JOHN H. WILLIAMS proven account	\$18.25
by ROBERT CRAWORD CAVENY receipt, headstone	\$9.50
by Ordinary fees including final settlement	\$13.43
by JAMES MCELHANEY	\$4.00

\$-76.74.25

Amount in Executor's hand March 19th 1844	\$1637.50.75
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Divided agreeable to will equally between each

JAMES BRIAN	\$409.37.25
THOMAS BRIAN	\$409.37.25
MOSES BRIAN	\$409.37.25
AARON BRIAN	\$409.37.25

sworn to before me March 19th 1844

BENJAMIN CHAMBERS ordinary York District

Probate, SC, York, Mary Brian 1842

Sale bill of the personal estate of MARY BRIAN deceased taken
February 17th 1843

THOMAS BRIAN one negro boy Tom	\$503.00
JAMES BRIAN one girl Nanny	\$250.00
JAMES BRIAN one woman Sue and child Jacob	\$300.00
	\$1,053.00

The following is the appraisement of the property of Mrs. **MARY BRIAN**,
deceased, as produced by **JAMES BRIAN** executor the 26th day of January 1843 to
us sworn appraisers

1 negro woman Sue \$187 child JACOB \$241	\$428.00
1 negro girl NANNY	\$275.00
1 negro boy TOM	\$458.00
5 chairs \$0.58 each	
1 round table	
6 plates 6 cups and saucers 5 shoes and teaspoons and one set knives forks dishes	\$5.25
1 chest	\$1.00
1 trunk and apparel	\$2.00
2 beds 2 bedsteads and clothing	\$12.00
1 saddle and skirt	\$9.00
1 bow	\$2.00
 1 note on DANIEL F. HALL and JAMES BRIAN dated 4th February 1841 due 12 months after date	 \$850.00
 1 note MASTIN PARHAM dated 5th February 1841 due 12 months after date with a credit for \$15 dated 7th February 1842 JAMES KUYKENDALL is security to this note.	 \$40.75 \$2,083.00

We the sworn appraisers hereby certify that the above is our appraisement of
the property of Mrs. **MARY BRIAN** as shown to us by the executor.

WILLIAM C. BEATTY
THOMAS WARREN
DAVID WALLACE

Probate, SC, York, Mary Brian 1842

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Brent R. Brian

Martha M. Brian

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