

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

Case No. 1

Fine No. 7

ALEXANDER BENNETT [ALEXANDER BARNET] deceased
SAMUEL NEELY applicant

Also will of **HANNAH OLDRAGE**

1831

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

In the name of God Amen.

This 6th day of November in the year of Our Lord 1826 I **HANNAH OLDRAGE** living in Lincoln County North Carolina and in the house of **JAMES CARROLLS** being in a weak and declining state of body but perfect mind and memory and judgments, thanks to almighty God, and calling to mind the mortality of my body knowing that it is appointed for all men once to die, do make & ordain this my last will and testament in manner and form following that is to say.

AFTER commending my soul to God who gave it and my body to be buried in a Christian and decent Manner and as touching my worldly property I desire to dispose of in the following Manner and form.

FIRST I allow all my clothing to my granddaughter **HANNAH BENNETT** except to Homespun frocks that I leave to my two granddaughters **JOHN BENNETT**'s two eldest daughters.

ITEM I will and bequeath unto my granddaughter **HANNAH BENNETT** the wheel and card & c., my feather bed and half of the bed furniture the balance to be **JOHN BENNETT** and pots and kitchen Furniture.

ITEM I will that my funeral expenses be first paid.

ITEM I will that my son **WILLIAM BENNETT** shall have my share of the land that **SAMUEL NEELY** now lives on.

AND for just an actual execution of this my last will and testament I do nominate an appoint **JAMES CARROLL** my executor signed and acknowledged day and date above mentioned.

HANNAH OLDRAGE {her mark}

JAMES MONTGOMERY
E. B. DAVIS

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

State of North Carolina
Lincoln County

I **VARDRY MCBEE** Clerk of the Court of pleas and quarter sessions in the state and County aforesaid certify by these presents that the within is a true copy of the last will and testament of **HANNAH OLDRAGE**, deceased, as recorded & filed in the clerk's office of said County.

In testimony whereof I have set my hand and seal of office at Lincolnton the 26th day of January 1831.

VARDRY MCBEE CC
copy of **HANNAH OLDRAGE**

A true copy of the original **VARDRY MCBEE**, witness, CC

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

Know all men by these presents that we **DAVID JACKSON** and **A. MCWHORTER** are held and firmly bound unto **BENJAMIN CHAMBERS** ordinary of the district aforesaid and his successors in office or assigns in the sum of \$195.24 to which payment well and truly to be made and done we bind ourselves our heirs, executors and administrators jointly and severally firmly by these presents.

Sealed with our seals and dated this 7th day of June 1831.

The condition of the above obligation is such that if the above bounden **DAVID JACKSON** shall and truly pay on to **BENJAMIN CHAMBERS** ordinary as aforesaid or his successors in office the sum of \$195.24 twelve months after the date hereof then this obligation to be void or to remain in full force and virtue.

DAVID JACKSON

Signed and sealed in presence of

A. MCWHORTER

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

SAMUEL NEELY applicant
in right of **ALEXANDER BENNETT [ALEXANDER BARNET]**
WILLIAM BENNETT, NANCY BENNETT
heirs at law **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased

vs

JAMES BENNETT, JOHN BENNETT,
POLY BENNETT & c., defendants

Summons in Partition

On due examination it is ordered and decreed that the lands described in the summons in partition in this case be sold by the sheriff of York District on the premises on the 7th day of June next or on such other sale day as will be most for the advantage of the parties and interest on a credit of 12 months the purchaser giving bond with good security a mortgage of the premises if deemed necessary to the ordinary for the payment of the purchase money.

BENJAMIN CHAMBERS, OYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

SAMUEL NEELY applicant

vs

The Heirs at law of
ALEXANDER BENNETT [ALEXANDER BARNET] Sr. deceased
defendants

May 9th 1831

Recorded in book m page 38

Sold tract No. 1 (see plat) to **MATTHEW WATSON** for \$2.12½ per acre \$215.68¼.

No. 2 (see plat) sold to **DAVID JACKSON** for \$1.08, \$109.62 ... 7 mills

JOHN S. MOORE, SYD

Resold Track No. 1 (see plat) to **WILLIAM WATSON** for \$2 per acre ... 7 mills

July 22nd 1831

JOHN S. MOORE, SYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

DAVID JACKSON & JAMES L. JACKSON

bound to **BENJAMIN CHAMBERS**

ordinary for \$97.62
cash Received \$12.00 in hand
=====

\$109.62

Bond due 7th of June 7th 1832.

Received March 5th 1832 of the within Bond
\$97.62 in full of the within Bond

BENJAMIN CHAMBERS, OYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

SAMUEL NEELY who purchased three of the heirs at law
of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased applicant

vs

All other heirs at law or claimants

DAVID JACKSON

WILLIAM WATSON

ANDREW J. HANNAH

AUGUSTUS BRIANT [Augustus Bryant, Augustus Brian]

MATTHEW WATSON

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

The settlement of the
Real Estate of
ALEXANDER BENNETT [ALEXANDER BARNET] deceased
August 1832

Recorded Book M Page 81, 82 & 83

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

Received August 13th 1832 of **BENJAMIN CHAMBERS** ordinary \$91.55 it being in full of the distributive share of **ALEXANDER [BENNETT]**, **WILLIAM [BENNETT]**, and **NANCY BENNETT** of the tract of land belonging to estate of their father **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased sold for partition by the court of ordinary & the right of which shares had been deed duly executed transferred to **SAMUEL NEELY**.

Received for **SAMUEL NEELY** by **BENJAMIN NEELY**
W. R. HILL, Test [William R. Hill?]

Received August 13th 1832 of **BENJAMIN CHAMBERS** ordinary \$30.15 in full of the distributive share of **JOHN BENNETT** as are at law of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased of a tract of land sold by the court of ordinary for partition & the right to which is done transferred to me by deed duly executed.

JOHN LOVE
W. R. HILL, Test

Received 29th of August 1836 of **BENJAMIN CHAMBERS** ordinary \$30.50 in full of the distributive share **POLLY BENNETT** as heir at law of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased of a tract of land sold by the court of ordinary for petition on the right to which is done transferred to me by deed duly executed.

JOHN LOVE Jr. for **JOHN LOVE** Sr.
[unintelligible] Test

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

WILLIAM BENNETT

VS

BENJAMIN CHAMBERS

Magistrate's appeal

Decree = \$18.31

Received 7th February 1839 of **BENJAMIN CHAMBERS** \$18.31 and full of the decree in above case.

JAMES BRIAN, SYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

writ in summons

State of South Carolina
York District

To **JOHN LOVE** who claims by deed from **JOHN BENNETT** and **POLLY BENNETT** legal heirs and representatives of **ALEXANDER BENNETT [ALEXANDER BARNET]** Sr. deceased who died intestate, greeting

You are hereby required to appear at the court of ordinary, to be holden at York courthouse for York District, on the 9th day of May A. D. 1821 to show cause, if you can, why the real estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased, situate in said District, on Moore's branch of Allison's Creek bounding on **SAMUEL NEELY, DAVID JACKSON, AUGUSTUS BRIANT, WILLIAM WATSON** and containing 154 Acres more or less being originally to surveys originally granted to **ALEXANDER BENNETT [ALEXANDER BARNET]**; one tract of 46 acres the balance to someone to me unknown should not be divided, or sold, allotting to the said **HANNAH BENNETT**, if alive, if dead to her heirs at law or legatees. One third thereof, and the remaining two-thirds between said heirs at law and **SAMUEL NEELY & JOHN LOVE** in right of ??? of The Heirs at law according to their legal interests.

Given under my hand and seal, this 15th day of February 1821.

Benjamin Chambers, OYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

SAMUEL NEELY applicant
in right of ALEXANDER BENNETT [ALEXANDER BARNET],
WILLIAM BENNETT and NANCY BENNETT

vs

JAMES BENNETT, ALEXANDER BENNETT [ALEXANDER BARNET],
WILLIAM BENNETT, NANCY BENNETT,
JOHN BENNETT, POLLY BENNETT heirs at law
of ALEXANDER BENNETT [ALEXANDER BARNET] Sr., deceased &
HANNAH BENNETT deceased.

Defendants.

February 15th 1831

Recorded book m page 40

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

I **JOHN LOVE** one of the claimants of the estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased having purchased two of the minor heirs at law shares the widow's third of the real estate of said deceased, I do hereby accept the service of the within writ in Summons

May 4th 1831,
JOHN LOVE

May 9th 1831 the parties interested not appearing to show any cause who reside without the limits of this state after being legally notified their consent to the same is hereby entered of record.

Benjamin Chambers, OYD

Recorded Book M Page 37

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

Personally appeared before me **DAVID JACKSON**, **WILLIAM WATSON**, and **AUGUSTUS BRIANT** and **JAMES BIGGER** all being sworn sayeth on oath that they are acquainted with the tract of land the property of the estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased and they are of opinion that the land divided into two tracks and sold in order to make partition and division amongst The Heirs at law will be most for the benefit of the parties interested.

DAVID JACKSON
WILLIAM WATSON
AUGUSTUS BRIANT {his mark}
JAMES BIGGER

Sworn to before me and subscribed this 9th day of May 1831.

BENJAMIN CHAMBERS QU

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

KNOW ALL MEN BY THESE PRESENTS that we **WILLIAM WATSON, WILLIAM MCELWEE** & are held and firmly bound to **BENJAMIN CHAMBERS** ordinary of the district aforesaid and his successors in office or assigns in the sum of \$406 to which payment well and truly to be made and done we bind ourselves our heirs, executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 22nd day of July 1831.

THE CONDITION OF THE ABOVE OBLIGATION is such that the above bound **WILLIAM WATSON** shall will and truly pay to **BENJAMIN CHAMBERS** ordinary as aforesaid or his successors in office the sum of \$22 in hand and \$181 12 months after the date hereof they're this obligation to be void or else to remain in full force and virtue.

WILLIAM WATSON

Signed and sealed in the presence of

AMOS BURNS
WILLIAM MCELWEE

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

The Affidavit of

**DAVID JACKSON
WILLIAM WATSON
AUGUSTUS BRIANT
JAMES BIGGER**

about the land of Alexander Barnett deceased

May 9th 1831

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

Personally appeared before me **WILLIAM LOVE**, gentleman, and upon oath saith that he purchased the share of **POLLY BENNETT** to the real estate of **ALEXANDER BENNETT [ALEXANDER BARNET]**, deceased. That **POLLY BENNETT** executed a title to our **NATHANIEL HENDERSON**, who executed afterwords a title to **NATHANIEL CARROLL** & the said **NATHANIEL CARROLL** executed a title to this deponent. Deponent also states that this deed represents the distributive share of the said **POLLY** to the real estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** as one of the heirs at law. Deponent also states that he conveyed the same to **JOHN LOVE** & that he delivered all the title papers to the said **JOHN LOVE**.

WILLIAM LOVE

Sworn to subscribe this 29th of August 1836

J. M. ROSS QU

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

Received of **BENJAMIN CHAMBERS** for services done for the estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased 5 days and \$5

June 13th 1831

DAVID JACKSON

Received of **BENJAMIN CHAMBERS** for services and sale of real estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased as Sheriff by the order of the Court ordinary \$2.62

June 13th 1831

JOHN S. MOORE, SYD

Received of **BENJAMIN CHAMBERS** ordinary of York District \$4 for services rendered in an about the land of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased agreeable to the request of the parties interested in the sale or division of said lands.

July 28th 1831

AUGUSTUS BRIANT {his mark}

Received \$8 from **SAMUEL NEELY** one of the heirs of **ALEXANDER BENNETT [ALEXANDER BARNET]** at sale for running out the lands said **BENNETT** and plotting the same.

May 18th 1831

ANDREW M. HANNA DS

Received of **BENJAMIN CHAMBERS** \$2 for my services in during the chain surveying the lands the property of **ALEXANDER BENNETT [ALEXANDER BARNET]** deceased & c.

July 22nd 1831

WILLIAM WATSON

Received July 22nd 1837 of the within bond from **WILLIAM WATSON** \$20 in cash and his receipt for \$2 served rendered in rendered in carrying chain & c.

Benjamin Chambers, OYD

Received August 13th 1832 of William Watson \$181.68 in full of the within Bond principal and interest.

STANHOPE SADLER for
BENJAMIN CHAMBERS, OYD

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

JOHN LOVE Jr. upon oath saith that he had in his possession some title papers belonging to **JOHN LOVE** his father that among papers was a deed from **POLLY BENNETT** that deponent lost said title papers out of his pocket and the same has never been heard of.

JOHN LOVE

sworn to and subscribed

29th August 1836

J. M. ROSS QU

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

The oath of **AUGUSTUS BRIANT**
and **DAVID JACKSON** respecting
the land the state of
ALEXANDER BENNETT [ALEXANDER BARNET] deceased

February 7th 1831

Heirs at law

HANNAH BENNETT widow

JAMES BENNETT out of the state

ALEXANDER BENNETT [ALEXANDER BARNET]]
WILLIAM BENNETT] bought by
NANCY BENNETT] **SAMUEL NEELY**

JOHN BENNETT]
POLLY BENNETT] **JOHN LOVE**

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

South Carolina
York District

Personally came before me **AUGUSTUS BRIANT** and **DAVID JACKSON** and on oath declared that they are acquainted with the land the property of the estate of **ALEXANDER BENNETT [ALEXANDER BARNET]** Sr. deceased and are of opinion that said land is worth about \$2.25 per acre making the tract of our hundred 54 acres worth three hundred and \$46.50.

Sworn to and subscribed
February 7th 1831

Will Probate, SC, York, Alexander Bennett [Alexander Barnet], 1826 1831

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