

CASE NO. 2
FILE NO. 47

JOHN O'BRIAN

DEC'D.

MARGARET O'BRIAN

APPLICANT

1838

Margaret O'Brien Applicant
vs.

Mayor & Hall the Guardian
of J^r. O'Brien over fourteen
years old and Lawrence
J^r. O'Brien under fourteen
defendant

Summons
in

Partition

On due examination it is ordered
& decreed that the lands described
in the summons in partition in this case
be sold by the Sheriff of York District
on the twenty second day of October this
instant or on such other sale day as
will be most for the advantage of
the parties in interest on a credit
of twelve months the purchaser paying
one third in cash the day of sale and
the balance bearing interest from
date the purchaser giving bond with
good security & a mortgage of the
premises if deemed necessary to the
ordernary for the payment of the
purchase money.

By J^{rs}. Chambers ordernary
of York District

South Carolina
York District

October 22nd

Know all men by these presents
that we Matilda Wood James Brian & Major
& H. Hall are held & firmly bound to Benjamin
Chambers ordinary of the district of prison
& his successors in office or assigns in the
sum of three hundred eighty dollar to
which payment well & truly to be made
& done we bind ourselves our heirs Ex^{ors}
& adm^{rs} jointly & severally firmly by
these presents sealed with our seals & dated
the 22nd day of October 1838

The c^{ond} moving the above obligation
is such that if the bound Matilda Wood
shall well & truly pay to Benjamin Chambers
Ordinary as aforesaid or his successors
in office the sum of four hundred &
fifty nine dollars twelve Months from
the above date with interest from date
then this obligation to be void or else
remain in full force & virtue

Signed & sealed

Matilda^{her} Wood
marks

James Brian Jr
H. F. Hall

in presence of
Alfred Lawrence Cullinder

Recd October 25th 1838 of Mrs Matilda Wood
of the worth Bond at date of 50 Bond due
hundred fifty three dollars

Byⁿ Chamberly

Recd of Mrs Matilda Wood three hundred and
thirty two dollars & $\frac{47\frac{3}{4}}{100}$ in full of the principal
& Interest of the within Bond Jan^y
15th 1840

Byⁿ Chamberly

Matilda Wood

Bond for

Wm. and

M. J. Hall

Securities

\$459.00

Cost 153.00

\$306.00

South Carolina ³ October 1st 1838

York District ³ Lawrence Cullender and

Richard M. Piepley came before me

Benjⁿ. Chauncy, ordinary for the

district of said County and the said

They are acquainted with the

tract of land the property of

the estate of John Obrian dec.

said to contain one hundred

or fifty three acres and are of

opinion & recommend that the

same be sold as most could be

to the interest of the parties in inter

est Sworn to & subscribed before

me day & year above written

Benjⁿ. Chauncy (Dl)

Richard M. Piepley

Lawrence Cullender

Margaret O'Brien Applicant
vs

M^r & Hall Guardian of
J^r O'Brien & Lawrence
vs O'Brien Minor heirs
at law of J^r O'Brien dec.
defendants -

Writ

in

Summary

Land sold to Mrs Maleda Woon
for our third Cash the 1st twelve
Months after date bearing out from
22 October 1838 - - - - - 459.00

Deduct aid & fees - - - - - 10.00
Lost Brian Sheriff's fees. 3.60 13.00
\$445.40

Widow our third - - - \$148.46 $\frac{2}{3}$

Cowd. receiving & paying 6.42
out the sum of - - - \$138.04

Received of Benjamin Chanley ordinary of the district
of York one hundred & thirty eight dollars & four
cents it being in full of my third of the estate
of J^r O'Brien sold to make partition.
amongst the heirs at law by order of the
court of ordinary October 25th 1838

Test
James Brian

Margrat O'Brien

Rec^d of Sup^r Court for the services rendered
in the sale of the estate of John Oldman
dec^d - by order of the Court of ordinary
to make partition amongst the heirs
at law of said dec^d - Three dollars & 60
cents Sheriffs costs in said case October
25th 1834

Jas. B. Mann Esq

The within Settlement Contained
 D. to the Am^t of principal after the widow's share deducted
 See opposite side ----- \$296.93³

Rec^d on Mond Jan^y 15th 1840

Of 2nd & 24 days Int^r Am^t 3rd -----

Leaved off -----

25.69
 \$322.62³

322.62³
 16 13³

Est. divided equally between M^{rs} O'Brien
 & Lawrence O'Brien each one

\$306.49³
 153.24³

Received of Benjamin Chanley ordinary of York district
 Three hundred & six dollars $\frac{49\frac{3}{4}}{100}$ Cents in full of what is
 due the two minor children of M^{rs} O'Brien. Sent said real
 estate viz M^{rs} O'Brien M^{rs} & Lawrence O'Brien
 for each the sum of one hundred & fifty three dollars $\frac{24\frac{3}{4}}{100}$ Cents
 as their Guardians being the Am^t & Interest due
 on the within Sald Case January 15th 1840
 W^m F Hall Justice

Settlement of the
 the real estate of
 Mrs O'Brien dec^d
 sold to Math^r
 Bartholom^{ew}
 Among the heirs
 at Law and
 22nd - 1838
 Record Book
 All Page 147

South Carolina, Oct 1st 1838

Yours District^{ly} Personally came before me Benjamin
Chamberlain ordinary of said district & oath and attested that
the within valuation is in and about the value of
said tract of land with its improvements & full well
assured said land is not worth one thousand
dollars sworn to & subscribed before me day
date above

M. F. Hall

Benjamin Chamberlain

The affidavits of John
Warrell Deaneys book
were sworn to by M. F. Hall
respecting the value
of the real estate of
John Deaneys &c

South Carolina

York District

Personally appeared, Mr
Cook, Alexander Barnett and Dempsey Cook
and made oath that they would fairly and
impartially and without fear favour or
affection to any person whomsoever appraise
and value the plantation belonging to the
estate of John Obrian on which the said
Obrian resided at the time of his death
containing one hundred and fifty three acres
more or less

Sworn to before me

Sept 29th 1838

J. W. R. of 2d Ex. Ct.

Co. B. Chambers Esq. Clerk of York District

Dempsey Cook

Alexander Barnett

William Cook

South Carolina

York District

I, Mr William Cook, Alexander Barnett
and Dempsey Cook do hereby certify that after
being duly qualified we have after having viewed
the premises valued and appraised the
plantation belonging to the estate of John Obrian
on which the said Obrian resided at his death
containing about one hundred & fifty three acres
more or less adjoining lands of Edward
Bramson, estate of Mathew Biggers, James
Biggers and others at the sum of

September 29th 1838

Alexander Barnett

Dempsey Cook

William Cook

Appraised at \$ per Acre

amounting to \$859 00

WRITE IN SUMMONS.

THE STATE OF SOUTH CAROLINA, }
York DISTRICT.

To Major J. Hall Guardian of the two
minor heirs at law of Mr. Obrian son of
estate of Mr. Obrian aged 14 years old the other
legal heirs and representatives of John Obrian
who died intestate, Greeting:

YOU are hereby required to appear at the Court of Ordinary,
to be holden at York Court-House for York
District, on the first day of October A. D. 1828
to shew cause, if any you can, why the Real Estate of John
Obrian deceased, situate in said District, on
the waters of the Beaver Dam a branch
of Catawba River bounding
on lands of Edward Brandon the estate of
Matthew Wigger James Wigger Robert
and containing one hundred & fifty three
acres, originally granted to

should not be divided, or sold, allotting to the said
Margaret Obrian the applicant
one third thereof, and the remaining two thirds
in equal portions to the said John Obrian Jr. and
Sawannah Obrian -

Given under my hand and seal, this first day of October 1828

Benⁿ Chamberlayne Ordinary,
York District.

South Carolina
 York District having read the within Summons
 & having no objection to the
 object therein expressed as Guardian of
 the two Minors heirs at law of said
 dec. do hereby consent that the lands be
 sold or divided agreeable to the within
 Summons October 18th 1838
 M. L. Hall { Guardian

Margaret Obrian the
 wife of
 M. L. Hall

M. L. Hall the Guardian
 of the two Minors heirs
 of Geo. Obrian dec. Dec.
 Geo. Obrian first &
 Lawrence, & Obrian
 Minors

October 18th 1838

Recorded 12008
 All Page 145 & 146