

WILL OF
JOSEPH BROWN

THIS IS SOLEMNLY AND DELIBERATELY THE LAST WILL AND TESTAMENT of Joseph Brown of Broad Mouth Creek, in the District of Pendleton, in the State of South Carolina planter Aged Seventy Eight years or thereabout, who being in a Tolerable state of health, of Body and of sound And disposing mind Memory and Understanding Do make this my last Will and Testament in manner and form following (that is to say) In the first place I will order and direct that my Just debts ^f ~~is~~ any be paid and Satisfied out of My estate, In the next place, I give and Bequeath, the House I now live in Together with the Kitchen Smoke House Garden, and all other appertaining buildings, And Conveniencies to the dwelling House belonging or in any manner appertaining to my much Beloved Wife Mary Brown to hold to her during her natural life, in Lieu of her dower at Law- I devise and give the same to my Son David Brown, After her Decease to hold to him, his heirs and assigns forever, I also give And bequeath to my wife Mary Brown one good Chair Horse And the Chair and Harness, now in my possession And two Cows and calves of her own chooseing out of my Stock, And all my Household And Kitchen Furniture Including the whole and every part thereof -- I likewise give to my wife the thirteenth part I have or poportion or a share equal with any of my children of my whole estate, to be disposed of as she may think proper, at her decease -- It is farther my will, And I hereby order and direct that my son David Brown shall at his own cost or expence find and provide for his said Mother during her life a decent Comfortable and Genteal Support and Maintenance And that she shall be by him from time to time plentifully provided for And be enabled to live in the ^{me} say way and manner she has been used And accustomed to in my life time, On the express condition of his complying with this Requisition, I give devise and bequeath to him his heirs and assigns forever, all that plantation and Tract of Land whereon I now live, Situate lying and being On Broad Mouth Creek, in the District of Pendleton Afores^d. Containing ^F Four Hundred Acres (more or less). Together with all the rights members and Appurtenancies thereunto belonging-- I also give and devise to my S^d Son David Brown

his heirs And assigns forever, a Certain Tract or parcel of Land, which I purchased from Will^m Reed Adjoining the last mentioned Tract of Land On the East side of Broad Mouth, Containing Thirty Eight or Forty Acres, (be the same more or less) I also give and devise to my Son David Brown, And to his heirs And assigns forever, one equal half or Moiety of a Certain tract or parcel of Land, whereon Thomas Crow formerly lived Situate lying and being On the South Fork of Broad Mouth Creek--I also give And bequeath to my son David Brown forever the equal thirteenth part of all the rest and residue of my estate, not specified and particularly given and bequeathed away to my other Children -- And I do hereby expressly declare It to be my will and intention that my S^d Son David Brown is not neither shall he be answerable or Accountable to my estate or to any of my children or to any other person or persons whatsoever for Any estate, property goods Chatels or Money, that he may have Rec^d. from me at any time, or times heretofore, or during my life -- In the next place, I give and Devise to my Son James Brown And to his heirs And assigns forever, all that plantation or Tract of land Situate lying and being on the South Fork of Broad Mouth Creek, Containing by Estimation One Hundred and Forty Acres (be the same more or less) And whereon the S^d James Brown now lives I also give And devise to my S^d Son James Brown And to his heirs And assigns forever, the other equal half or Moiety of the Tract or parcel of Land whereon Thomas Crow formerly lived, Situate, on the South Fork of Broad Mouth Creek Afores^d. It being my mind and intention that the S^d last Mentioned Tract of Land be fairly And equally divided Between my two Sons James and David Brown-- I also give And bequeath to my S^d Son James Brown, One equal thirteenth part of all the rest And residue of my estate, not herein or hereby otherwise particularly given away or disposed of -- Whereas I have before the making and executing of this will duely Signed Sealed and delivered a Deed of Gift or an Instrument in writing particularly, a Gift of two Negro Girls Named Suke and Cate, to my Daughter Fanny Bister, I do hereby Confirm the s^d Gift to all Intents and purposes, And do not mean or intend that s^d Negro Slaves or there increase

WILL OF JOSEPH BROWN - Page 3 -

should at any time be considered as belonging to my estate,
 Or be included in the Appraisement Or Dévision thereof But that
 the Same Negro Slaves shall remain the Undisturbed Rite and
 property of my S^d Daughter Fanny Lister her hiers And assigns
 forever--I also give And bequeath to my S^d Daughter Fanny Lister
 one thirteenth part of all the Rest and resiliue of My estate
 not herein or hereby particularly disposed of -- And whereas
 I have heretofore on the Respective Marriages of my children
 Will^m Brown Hugh Brown, Joseph Brown Dec^d Margaret the wife of
 Benjⁿ Starritte Violet the wife of W^m Reed Elisabeth the wife
 of James Rees, Mary the wife of James Duff and Jan^e the wife
 of John Hall, And Fanny the wife of Moses Lister, Advanced and
 promoted their Interest respectively, in life as far as my
 Circumstance would admit of, and was Convenient for Me, by giving
 And Delivering to each of them, a reasonable Portion or part
 of my property And whereas, I have been at great expence, in
 the Education of my son George A. Brown, And advanced his In-
 terest in life by his Education and otherwise more than I have
 any of My children I do hereby for those reasons expressly And
 decidedly declare, Neither the S^d Will^m Brown Hugh Brown the
 children of my son Joseph Brown Dec^d Benjamin Starritte or Mar-
 garet his wife W^m Reed or Violet his Wife, or James Rees or
 Elisabeth his Wife, James Duff or Mary his wife John Hall or
 Jean his wife, or Moses Lister or Fanny his Wife or the S^d
 George Brown or any other Person or persons claiming by from
 or under him or them shall in any manner, by Any reason or
 Account claim or be Intitled to receive out of my Estate, Any
 other part Share or proportion, than an equal thirteenth part
 or share of the rest and residue of my property, remaining un-
 disposed of in this Will hereinafter Mentioned, and discribed
 (That is to say) The whole residue of my personal Remaining
 Estate, After first deducting And delivering unto My S^d Wife,
 and to my daughter Fanny, and sons David and James the property
 I have given devised and bequeathed to them respectively: shall
 be apportioned and laid off unto thirteen Lotts, or shares,
 but that the whole of my s^d personal estate be collected and
 kept together until the Month of January next enseuing after

my Decease -- And I hereby order and direct that some time in the course of the same Month, or as soon after as can conveniently be done, the whole thereof having been first duely appraised and valued on Oath shall be divided into the thirteen Lotts or shares Afores^d to be as near of equal Value and Proportion as is practicable, and that every one of the S^d Lotts be numbered, from N^o. one to N^o. Thirteen and promiscuously drawn out of a hat or any other convenient thing, first by my s^d Wife Mary Brown, and afterwards by my Daughter Fanny Lister, (as above mentioned) And Sons David Brown James Brown, W^m Brown George Brown, Hugh Brown, and Will^m Brown, the eldest son of Joseph Brown Deceased, In behalf of himself, and his Brothers and sisters Except^{IN9} my G.daughter Mary Brown, who now lives with me for whom I have provided Separately and distinctly from the other Children of my s^d son Joseph Brown Dec^d, And my daughter Margaret Starritte, and my Daughter Violet Reed, for the sole Separate and intire benefeit of theirselves and their Children only without the interference of their Husbands Benjamin Starritte and William Reed, and my Sonsin law James Rees, James Duff, and John Hall and Moses Lister and the Lotts so by chance drawn and numbered as afores^d by my S^d Wife and by my Daughter Fanny Lister, and by S^d Sons David Brown, James Brown Will^m George Brown, Hugh Brown, And by the eldest son of my Son Joseph Brown Dec^d. For the uses and purposes Afores^d. And by my daughters Margaret Starritte And Violet Reed for the uses and purposes Afores^d. And more particularly explained hereafter And by my Sons in law James Rees, James Duff John Hall and Moses Lister shall and I hereby declare and Direct to make up and constitute the share and proportion of the residue of my estate to be divided claimed and received by my s^d Wife Children and Grand Children -- And I hereby declare the same property so drawn by Lott, Separately and distinctly to belong to, and to be rite and property of each of them, respectively forever, And in case such lotts Or Divisions cannot fairly And seperately be made So that equal Justice may be done to my S^d Wife Children and Grand children, In that case I order, and direct Such property as cannot be made and formed into Lotts as afores^d to be sp^l'd and when divided into thirteen shares, to be Equally divided to and among

WILL OF JOSEPH BROWN - Page 5. -

my S^d Wife Sons and daughters, and the children of my Son Joseph Brown Dec^d. In the shares and proportions and in the manner and form as afores^d -- I give and bequeath to my Grand Daughter Mary daughter of my son Joseph Brown Dec^d. One Negro Girl named Violet, also one Horse Saddle and bridal And One Feather Bed and Furniture, which are to be given up to her, or to some proper person for her use and benefit before any division be made of the Residue of my estate, takes place as before directed -- And it is to be Remembered, that I make this Gift and Bequeast to my S^d Grand Daughter Mary Brown in full of all demands Against my Estate And that she is not to Receive any dividend part or share of the Legacy given by me in this my will for the use of the other Children of my S^d Son Joseph Brown Dec^d. -- And whareas it is my Will and Intention that the children of my S^d Son Joseph Brown Dec^d (Excepting Mary) should Solely and entirely enjoy and possess in equal shares and Divisions that thirteenth part or share of the Residue of my Estate, to be drawn by Lott as Afores^d in order to make such divisions Justly and fairly I order and direct the said lott to be publicly Sold by my Executors, Hereinafter named, on a Convenient credit and divided equally Among the children of my son Joseph (excepting Mary) And the share of each child paid and discharged when he or she shall Marry or attain to the Age of Twenty One years, And that Jemimah their Mother shall not concearn or Intermeddle therewith, Or be intitled to any share or part of my estate, in any manner whatsoever. -- And whareas for prudential reasons on my part and to the end that My Daughters Margaret Starritte and Violet Reed may safely and securely enjoy and possess the shares of my estate, to be by them drawn (Seperately) by lotts as afores^d -- I do hereby declare the property contained in such lotts to be absolutely Vested in my Sons David and George Brown And in the Survivor and their Heirs, And I declare them to be Trustees, Jointly or Seperately, to preserve and protect the S^d property to and for the Sole and entire use benefit and behoof of My S^d Daughters Margaret Starrette and Violet Reed and their children -- And that no part thereof shall be subject to the debts contracts or ownership, of their Husbands Benjamin Starritte and William Reed, and that no sole Mortgage

WILL OF JOSEPH BROWN - Page 6

Or conveyance by either of them made, of the whole or any part thereof shall be good in law -- But that the s^d property shall Remain in the Quiet and Peaceable possession of my S^d daughter, Margaret Starrette and Violet Reed, during their life And afterwards each ones estate so drawn to be equally divided to and among their respective children, share and share a like without being in any manner liable to any Controle or incumberance, by or on account of the S^d Benjamin Starritte, and William Reed or otherwise -- I have made and arranged this my Will and Disposed of all my Worldly estate to And Among my wife children, and Grand Children with all the Justice and equity that my discretion and Judgment enables Me, -- I do therefore earnestly Request of all parties Interested, therein to be content, and Satisfied therewith -- And to avoid all Strife and contention Respecting the decision I have ordered to be made and for the purpose of peace and Unanimity in my family And that this my will should be Strictly complied With, ^{and} fulfilled without contention embarrassment cost or trouble to my Executors. I do hereby Will and declare that in case any one or more of my S^d Children or their Husbands or grand children should be refractory and disobedient to this my Will or draw into Law dispute or contention in my estate or any part thereof, or attempt to bring into Hotch Potch or into a General distribution any part of the Money property or Estate, while in my life time I may have given to Any One or more of my children to advance him or them in life That and in that case such refractory and contentious child son or Daughter shall Forfeit and Forever loose all Benefeit right title or share of in or to out of my Estate and the same shall be divided to and among my other children, Share and share alike, It being clarely and possitively my Will mind and Intention that Neither one or other of my children shall be Accountable to my estate for any money or property I may have Heretofore given to them -- I do hereby revoke and declare to be null and Void all former and other Will or Wills by me at any time, heretofore made and declare this only to be my LAST WILL AND TESTAMENT, And I hereby Nominate and appoint my Sons Hugh and David Brown and my freind and Neighbour Robert

188
WILL OF JOSEPH BROWN - Page 7 -

Telford, Executors of this my last WILL and TESTAMENT
Signed Sealed published and Joseph Brown (S.S.)
declared by the above named

JOSEPH BROWN ~~is~~ the Testator As

and for his last Will and Testa-

ment, In the presence of us who have

Hereunto Subscribed Our names as

WITNESS thereto at his request, and in

his presence and in the presence of each

other, This 17 day of Jenuary In the year of

our Lord one Thousand Eight Hundred and Ten --

Aaron Broyles

Benj. Bowen

James Harkins

Recorded in Will Book A, Page 167

Date of recording not available.

Date of proving not available.

John Harris, O.P.D.

Roll No. 77