

South Carolina: This Last Will and Testament of John Colwell

In the name of God Amen The fifteenth day of June
in the Year of our Lord one thousand Seven hundred & twenty nine
I John Colwell of St. Philips Charles Towne in Berkeley County Georgia
being very Sick & weak in body but of perfect mind & Memory These
be given unto God therefore calling unto mind the Mortality of my
Body & knowing that it is appointed for all men once to Die do
& ordain this my last will & Testament: That is to say principally at
first of all I give & recommend my soul into the hands of God that gave
& for my Body I recommend it to the Earth to be buried in a Christian
like & decent manner at the discretion of my Ex^{ors}, nothing doubting
but at the General Resurrection I shall receive the same again
by the mighty power of God & as touching such worldly Estate
where with it hath pleased God to bless me in this Life I give
devise & dispose of the same in the following manner & form as
my Debts are paid. —

Imprimis I give & bequeath to Hannah Royer the sum of fifty
pounds of good & Lawfull money of this Province to be raised
Levied out of my Estate. —

Item I give & bequeath unto Mary Maxwell the sum of fifty
pounds of good & Lawfull money of this Province to be raised
as aforesaid. —

Item I give and bequeath to Eliz. Simons the sum of fifty p.
Item I give & bequeath to Martha Young the sum of fifty pounds
Item I give & bequeath to Eliza Simons the sum of fifty pounds
Item I give & bequeath to John Simons the sum of fifty pounds
Item I give & bequeath to Victor Barry the sum of one hundred
fifty pounds.

Item I give & bequeath to Judith Simons all the remainder
my Estate both Real & personal by her freely to be possessed
and enjoyed.

Lastly I constitute make & ordain my good friends Sam.
Maxwell & Archibald Young my only & Sole Ex^{rs} of this
last Will & testament & do hereby utterly disallow revoke
& disannull all & every other former Testam^t. Wills & Legacies
bequests & Ex^{rs} by me any ways before this time named
willed & bequeathed Ratifying & confirming this and
other to be my last Will & testament In witness whereof
I have hereunto set my hand & seal the Day & Year a
Written

John Colwell

signed sealed published
pronounced & declared by the
said John Colwell as his last
Will & testament in the presence of
the Subscribers

James Heavne
Wm. W. W.
Rich^d. Lambton

25th June 1729

Recorded &

Edw. Hoof July

Before the Hon^{ble} Arthur Middleton Esq^r Justice
& Commander in Chief & Ordinary of this Province

In Council 25 June 1729

The last Will & testament of John Colwell Deceased being now
exhibited in order to be proved by the Witnesses before his Honor
& a caveat being entered by Rob^t. Fudge on the behalf of the
Relations of the said Deceased the severall Subscribers being sworn
being sworn depose as followeth.

Richard Lambton maketh Oath that on Saturday the
14th June instant The Deponent went to Mr. Fudge's plantation
to pay a Visit to Mr. John Colwell who was then sick, but
then in his perfect Senses That Mr. Colwell then told the
Deponent he was desirous to make a Will but that he would
defer it to the next morning when he expected Mr. Judith
Simons would come out of the Country. That on Sunday
morning Mr. Barry came to town to the Deponent & told him
he came from Mr. Colwell who desired he would come to him
& make his Will & accordingly the Deponent went to him
about Eleven of the Clock in the forenoon & found him to the
best of his knowledge in his right Senses That Mr. Colwell
gave the Deponent Direction to draw his Will & accordingly
the Deponent did draw the Will now produced as it now
appears with the Deponent would not do till the afternoon
about four a Clock That he might the better judge
whether he would be sensible to execute it That the
Deponent read it over to him & Mr. Colwell approving
thereof the Deponent asked him if it was drawn

according to his mind Mr. Colwell replied yes The Deponent asked if he would sign it Mr. Colwell answered he was weak but believed he could & then got up in his Bed & lay the side of a Table being brought he then signed Sealed & the instrument now produced & hereto annexed as his act & for the use therein mentioned in the presence of all the subscribing witnesses & then the said Will was inclosed a cover & sealed with the same seal The Testator & delivered to Mr. Young one of the 3rd therein named.

The Deponent saith that he being informed that the said a few Days before had been light headed it was upon act & for that reason the Deponent waited till Sunday the afternoon before he gave it him to Execute.

The Deponent saith the several legacies given in the will were entirely dictated to the Deponent by the Testator & that no other person whatsoever gave any directions the lastly the Deponent saith that he the Deponent signed his name as a witness to the said Will together with the other witnesses in the Testator's presence.

William Weekly another subscribing witness deposes that on Sunday the 15th Instant about four of the clock in the afternoon one Cooper came to the house of James Hearne where the Deponent then was & told Mr. Hearne that his master Mr. Colwell was very ill & desired Mr. Hearne would go to him where upon the Deponent went along with & coming to Mr. Colwell found him in his Room that he was then in his senses & the Deponent heard Mr. Lambton who was there also present ask Mr. Colwell if he would sign his Will Mr. Colwell answered yes with all his

heart; That Mr. Colwell then signed the instrument now produced & sealed & delivered it as his act & deed to the use therein mentioned & the Deponent signed his name as a witness in the Testator's presence that after Mr. Colwell had so executed the said Will the Deponent had discourse with the said Testator who talked very well & appeared to be in his perfect senses.

The Deponent further deposes that he suspected Mr. Hearne that Mr. Colwell was out of his senses when he came away for that a little before he had got up & run about the Room.

James Hearne deposes that on Sunday the 15th Instant about four a clock in the afternoon one Cooper came to the Deponent at his house & told the Deponent that his master Mr. Colwell was very ill & he believed he was mad for that he had got out of his Bed & run out of Doors that the Deponent hastened thither & found Mr. Colwell in his Room that Mr. Lambton asked Mr. Colwell if he would sign his Will & Mr. Colwell answered yes & accordingly Mr. Colwell did sign the instrument now produced & then sealed & delivered it as his act & deed to the use therein mentioned the Deponent then signed his name in the presence of the Testator & the other witnesses that after Mr. Colwell had so executed his said Will the Deponent heard the said Testator talk very well & believes he was in his perfect senses both before and after executing his said Will.

Depositions on the part of the Plaintiff

Doctor Moultrie being Sworne

Deposes that Mr. Colwell by reason of his Distemper after he had been talked with would go off a little way of what he was saying before but that he remembers not particularly on this Sunday morning the 5th inst. when he attended him.

Joseph Cooper being Sworne Deposes that about three minutes before he went to call the witnesses Mr. Colwell run out at his Fore Door & that Mr. Lambton & Mr. Barry were lying under a tree & Mr. Barry helped him in

Rob^t Fludger being Sworne Deposes that on June the 15th inst. he spoke to Mr. Colwell & asking whether he desired the prayers of the meeting whither he was going Mr. Colwell answered yes & presently after asked if the Port was gone to Market, & seemed to Enter into Discourse that appeared wild & not to the purpose & believes he was not in his senses but that he did not see him from nine in the morning till 5 in the afternoon on the Day aforesaid

Mr. Fludger being Sworne Deposes that about 10 in the forenoon of the 15th inst. he saw Mr. Colwell with one foot out of the street Door the other in, that he was without his Cloaths & his Leggs naked.

25 June 1729

Sworne before me

No Middleton

Recorded

Wm. Hest Sedy

By the Hon^{ble} Arthur Middleton Esq^r President & Commander in Chief in & over his Majesty's Province of S^c Carolina & Ordinary of the same

To Wm Dry & Joseph Blake Esq^s

Whereas on this day of April in the year of our Lord one thousand seven hundred & fifteen the last Will & testament of Geo^s Frichton late of this province decess the Copy whereof is to them presented and was proved approved & allowed of & styled in the Judge's Office of this Province And Whereas Eliza Frichton his Widow & Sole Executrix named in the said Will & testament is since dead leaving behind her several good & chattels Rights & Credits of the said decess undistributed by means whereof the full disposition & power of granting the Administration of all & singular the undistributed Goods Chattels Rights & Credits of the said decess within three Annues & also the Auditing of the decess's Calculations & reckoning of the said decess & the final distribution & discharge from the same to me is manifestly known to belong. I Therefore Do hereby Grant unto you the said Wm Dry & Jos^s Blake in whose fidelity in this behalf I do very much Confide full power to Administer the goods Rights & Credits of the said Geo^s Frichton decess so undistributed with his said Will annexed unto him whilst he lived & at the time of his decess did belong & to ask collect Levy Recover & receive the same & to pay the Debts of what Nature soever in and to the said Geo^s Frichton at the time of his Death was Obligated so far as the said goods Rights & Credits undistributed will extend according to the Value of the same & order of Law, being obliged to make a true faithful Inventory of all & singular the Goods Rights & Credits whatsoever of the said Geo^s Frichton decess undistributed to exhibit the same into the Judge's Office in Charles Towne in order to be recorded at or before the first day of Sept^r next ensuing and to render a true & just Acc^t Calculations & reckoning thereof when thereunto required And I do Ordaine Depute & constitute

Inventory of John Edwells. P. P. 191

Inventory of the Goods of John Edwells Deceased Appraised by John Ashby, Francis Simons and Henry Vanden being Just Taxes.

To a Pattern Bed, 2 pillows, 2 Blanketts & one Sheet	£ 30-0-0
To a Saddle and Housings	15-0-0
To a Saddle & Holsters	25-0-0
To a Saddle	20-0-0
To a Saddle Hat	1-0-0
To a pair Boot Tramps	0-10-0
To a Dozen pewter plates	1-0-0
To two Higgs	3-0-0
To a pair Boots and Shoes	2-0-0
To a Gun	5-0-0
To a blue Coat & 2 p. Breeches	30-0-0
To two old Coats	2-10-0
To a parcell of Gloaths & Hoopings	5-0-0
To a Case of foibles	0-5-0
To an old Kille	1-0-0
To a Cartouch Bag	0-5-0
To a parcell of Thimble shoes Tools	2-10-0
To the Horse named Smart	40-0-0
To a Bay Horse	25-0-0
To a Horse named Richolt	45-0-0
To a Goat	1-0-0
To a Negro man named Richmond	220-0-0
To a Negro named Will	220-0-0
To a woman named Amora	140-0-0
To a man named Harry	180-0-0
To a Negro named Dick	200-0-0
To a Negro named Gull	190-0-0
To 5 Broad Hoes at 15/	3-15-0
To 2 Harrows at 10/	2-10-0
To 5 pitching axes at 20/	£ 5-0-0
	£ 1346-5-0

I. Enclosed!

The Ashby, Fran. Simons, Henry Vanden

Memorandum that on this present twenty fifth day of November Anno Domini personally came & appeared before me Daniel Huger Esq. one of the Justices of the Peace for Norfolk County, Thomas Ashby, Francis Simons, & Henry Vanden being the appraisers appointed by the within said Court of appraisement two sworn oaths the Oath of solemnity & to make a full & perfect Inventory of all such Goods of the said John Edwells late Deceased should be taken by you by James Magwell Esquire of full & singular Good Right & Credit of the said Deceased and to cause due return to be made of the same

Shewn us before us

Daniel Huger

3. Dec. 1729 Recorded

Chas. Horst. Secy

Province of New Jersey } Deposition of Samuel and Mary Whitehead
 County of Essex } Elizabeth Towne November the Fourteenth Anno Domini 1726

The Deposition of Samuel Whitehead of the above Town and County and of Mary Whitehead his wife, who being both duly sworn Do say and testify, That they both saw James Lloyd bound to Sarah Bentley Junr. of the above Elizabeth Town in the solemn Bond of Marriage, by Isaac Whitehead Esq. Judge of the Inferior Court of Common Pleas for the above said County, near or about five years past and their Deposition further saith not.

November 14. 1726
 Given before us
 Benj. Price Justice

Samuel Whitehead
 his
 Mary m Whitehead
 Mark

Indorsed thus.

Personally Came and appeared before me Thomas Barton Esq. one of his Majesty's Justices of the peace for Brambley County John Saxberry of Elizabeth Town Carpenter and Rachel his wife who being duly sworn on the holy Evangelist's Testimony that they and their Samuel Whitehead and Mary Whitehead the subscribers to the within Deposition and know it to be signed by the Hand Writing of the said Samuel Whitehead and that they also know Benjamin Price Esq. one of his Majesty's Justices of the peace before whom the within Deposition was taken and know it to be signed with his own Hand Writing and further the said Rachel Saxberry saith that the within Affidavit was sent to her by the said Benj. Price Esq.

worne before us this 3. Decr. 1729.
 Tho. Barton

3 Decr. 1729 Recorded
 Chas. Hart Secy