Them Butler's Will (vide bundle) EE, No. 5.

In the Name of God Amen, I Them Butler of Berkly County in the Province of South Carolina in America, considering the uncertainty of this [illegible] being willing to settle what Estate it hath pleased Almighty God to bless me with and to prevent all disputes that may arise after my decease, do make this my last Will and Testament in manner and form following Viz: I give, devise & bequeath all my Estate both Real and Personal after my debts and funeral charges are paid to be equally divided amongst my Wife & Children. In case my Wife will not demand any thirds nor make any other pretension or claime by [illegible] or any other way then & in such case only she shall receive of my Executors hereafter named an equal share with my Children of all my Estate both real and personal to be given to each and every of them & their Heirs for ever and my Will is that my Executors shall equally divide and share all my Estate as aforesaid amongst my Wife & Children within one Year after my decease after what manner they or the maior part of them shall think fit. and my Will & meaning is that what either or each of my Children have received or shall receive from me before my decease, shall be reckoned and charged to [illegible] [illegible] as part of his or her share. And I do hereby nominate and appoint my loving Brother Richard Butler, my Brother in Law Samuel Wes[illegible] & my Son in Law Edmund Bellinger Executors of this my last Will and Testament In Testimony whereof I have hereunto set my hand & Seale this 9 day of [illegible] 1718. Them Butler (LS) Signed Sealed, Published and declared by the Testator to be his last Will in the presence of John Mell. Jno. Pendarvis. Joseph J. M[illegible] the marke

At A Council held at the Council Chamber in Charles City and [illegible] South Carolina May the 9th 1723. The above Will was then proved by the Oaths of John Mell and [illegible]ph Mell Two of the Witnesses thereto, the other Witness John Pendarvis being sick, Ordered That a Dedimus issue to Charles [illegible] Esq. to administer to him the usual Oath of a Witness.

Mr. Richard Butler and Mr. Edmund Bellinger Executors therein appo[inted] took the oath of Execrs. and the other Executor Mr. Samuel Wes[t] refusing, Le[tters] Testamentary on the said Will are granted to the said Mr. Richard Butler an[d] Mr. Edmund Bellinger. Test. Wm. Fundey Cl. Con.

Memorandum That on this thirteenth day of May 1723 I adminis[tered] the usual affirmation to Mr. John Pendar[vis] a Quaker and one of the Wit[nesses] to the within Will, who solemnly affirmed and declared that he saw the Tes[tator] sign, seal, publish and declare the same [to] be his last Will and Testamen[t] and that he was of sound and disposing mind and memory at the time of h[is] doing the same by virtue of a Dedimus of the 10th instant, directed to [me].

Char: Hart.

(Memorandum indorsed on ye back-side of the sd. Will, Viz.)

Paide my Daughter Elizabeth Belinger in [part] two tracts of Land, quantity appear by the title given & quality by the Situation

By Cash p. [illegible]

By 1 mare

By 1 negro garle: [illegible]

£212.

Paide my Sone Thomas The House & some land at the Ferry

By 2 Negro Men

By Cash

By five & one boy

£100.

Recorded July 30th 1723 p Char: Hart Sec.

South Carolina ss.

Francis Nicholson Esqr. His Majesty's Capt. General and Governour in Chief of this His Majesty's Province, and Ordinary of the same.

(Seal)

To All, To Whom these presents shall come Greeting.

Know Ye that on the Ninth day of [illegible] in the Year of our Lord One Thousand Seven hundred and Twenty Three, at Charles City in the Province aforesaid, before me in Council, the last Will and Testament of Them Butler late of Berkley County in the said Province decd. the copy whereof is to these presents annext, was proved, approved and allowed [illegible] the said deceased having whilst he lived, and at the time of his death divers goods, rights and credits within the Province aforesaid, by means whereof the approbation and allowing of the Testament and the power of granting the administration of all and singular the goods, rights and credits of the said [illegible] and also the [illegible] the accounts, calculations and reckonings of the said [administration], and [illegible] discharge from the same to me is manifestly known to [illegible] the administration of all and singular the goods, rights and credits of the said [illegible] his said Testament any manner of way concerning was committed unto Richard Butler and Edmund Bellinger (Saml. West having refused [illegible] named Executors in the said Will and Testament, being first sworn on the holy Evangelists well and faithfully to administer the same and to make [a true and perfect] Inventory of all and singular the goods, rights and credits of the said [deceased and to] exhibit the same into the Secretary's Office in Charles City at or before the Twenty Ninth day of October next insuing, and [to] render a true and just account, calculation and reckoning thereof when thereto required.

Memorandum, That one of the three Witnesses affirmed (according to the form of his profession) the 13th of May 1723, pursuant to a Dedimus executed and returned by Char: Hart Esqr. In Testimony whereof I have hereunto set my hand and Seal the Twenty Ninth day of July Anno Dom: 1723, and in the Ninth Year of His Majesty's Reign. Fr: Nicholson

Certified by me Char: Hart Secry

Recorded July 30th 1723 p Char: Hart Secry

South Carolina

By His Excellency Francis Nicholson Esqr. His Majesty's Capt. General and Governour in Chief of this Province, and Ordinary of the same.

These are to authorize and impower You whose names are hereunder written, to repair to such parts and places within that part of this Province that lies from Cape Fear South and West as you shall be directed unto by Mr. Richard Butler and Mr. Edmund Bellinger Executors of the last Will and Testament of Them Butler late of this Province decd., wheresoever any of the goods of the said decd. are or do remain within the said parts and places, which shall be shewn to You by the said Richard Butler and Edmd. Bellinger or either of them, and there view and appraise all and every the said goods; being first sworn on the holy Evangelists to make a full and perfect Inventory and appraisement thereof, and to return the same under your hands, or of any three of you) into the Secretary's

Office at Charles City, on or before the twenty ninth day of October next ensuing. Dated this Twenty Ninth day of July, Anno Dom: 1723. and in the Tenth Year of His Majesty's Reign. Ffr: Nicholson.

To Mr. Thomas Elliott, Mr. Thomas Smith Esqr., George Hunt Esqr., Mr. Johan Pott and Mr. John Parker, or any three of them, Greet.

By His Excellency Command, Charl: Hart Secty.

Recorded July 30th 1723. Chas: Hart Secty.

Anne Fairchild dec'd Inventory, returned & the three Exrs therein mentioned. July 31st 1723 (vide Lumb) ℔ ℔ ℔

South Carolina / A True and perfect Inventory and Appraisment of all and singular the goods of Anne Fairchild late dec'd, as they were, by Edm'd Bellinger, Esqr, Timothy Fells and Thomas Fairchild (any of them) Executors of the last Will and Testament of the said Deceased, exhibited and sworn to before the Honble Ffrancis Nicholson Esqr, Governour & Commander in Chief in & over this Province, the Twenty Ninth day of July Anno Dom: 1723. (Appraisers & Executors annexed), bearing date the Thirtieth day of July Anno Dom: 1723.

One Negro Man named Lincoln		£	200.
One Negro Woman named Dinah			160.
One Negro Boy			20.
One Negro Woman named Cate			130.
One Negro Woman named Betty			120.
27 ounces & 17 pennyweight of Silver Spoons at 5s per ounce			6. 12. 10.
The above account amounting to Four hundred and Eighty nine pounds five shillings is a true Inventory of the goods belonging to Mrs Anne Fairchild dec'd. Timothy Fells. Wm Harvey. Richd Mason.			489. 5.

Entered in the Mast: office annexed to the foregoing Inventory &c, viz:

South Carolina / Memorandum. Be it remembered that on this present Thirtieth day of July Anno Dom: 1723 personally came and appeared before me Benjamin Schenckingh Esqr, one of His Majesty's Justices of the Peace for Berkley County, Timothy Fells, William Harvey and Richard Mason, being the persons appointed in and by the within Warrant of appraisment, and were by me sworn truely & impartially to appraise and value the Inventory and appraisment of such goods of Anne Fairchild late dec'd as should be shown to them by Edmd Bellinger, Timothy Fells and Thomas Fairchild (or any of them) Executors of the last Will and Testament of the said Deceased, and to make return thereof &c. Sworn before me the day & year above written. B. Schenckingh

Recorded August 1st 1723. Chas: Hart Secty

South Carolina. Ffrancis Nicholson Esqr His Majesty's Captain General and Governour in Chief of this His Majesty's Province and Territory of the same.

Seal

To John Fillen and Charles Fillen.

Whereas James Fillen, a Minor, late of Berkley County dec'd, lately died intestate, having at the time of his death divers goods, rights and credits within this Province aforesaid, by reason whereof the granting the administration of all and singular the goods, rights and credits of the said James Fillen dec'd, and also the taking of the accounts, calculations and reckonings of the aforesaid administration, and a final dismission of the same unto him who shall be found next of kin to the said deceased, and lawfully entitled thereunto, may be made and truly administred, ordered and performed as to right and justice doth appertain, and whereas it is unknown to me who is the next of kin to the said deceased, and lawfully entitled to the goods, rights and credits of the said deceased, I do therefore, reposing especial trust and confidence in your fidelity in this behalf, Every much confiding (as approved by the manner of your Sureties, to the time and at the time of this decease did belong, and to ask, collect, levy, recover and receive the same, and to pay the debts in which the said deceased was bound as far forth as the said goods, rights and credits will extend according to their value and order of law, being first sworn on the holy Evangelists before me or some other person lawfully authorized to administer the same, to make a true and perfect Inventory of all and singular the said goods, rights &c and to exhibit the same into the Secretary's Office at Charles City at or before the Eighth Day of November next ensuing, &c, and to render a true and just account, calculation and reckoning of your said Administration when thereunto required. And I do ordain, depute and constitute you the said John Fillen and Charles Fillen Administrators of all and singular the goods, rights &c, credits of the said deceased, by these presents. In Testimony whereof I have hereunto set my hand and Seal the Eighth Day of August in the Tenth Year of His Ma'ty Reign, Anno Dom: 1723. Ffr: Nicholson

Recorded August 8th 1723. Certified for Record Chas: Hart Secty

South Carolina. By His Excellency Ffrancis Nicholson Esqr His Majesty's Captain General & Governour in Chief in & over His Majesty's Province of South Carolina, and Ordinary of the same.

These are to authorize and impower the Sheriffs of this Province hereunto written to repair to all such parts and places within this Province as you shall be thereunto with by John Fillen and Charles Fillen Administrators of all and singular the goods, rights and credits of James Fillen late of Berkley County dec'd, Minor, &c, wheresoever any of the goods of the said deceased shall be found or be in any of their several parts and places, & shall be shown to you by the said John Fillen and Charles Fillen or either of them, and there view and appraise all and every the said goods, being first sworn on the holy Evangelists to make a full and perfect Inventory and appraisment thereof, and to return the same under your hands and seals unto the Secretary's Office at Charles City on or before the Eighth Day of November next ensuing. Dated the Eighth Day of August in the Tenth Year of His Majesty's