

and others

vs

Thomas M. Kinstry & others, Defendants

M. Kinstry, Arriam M. Kinstry Edward Shearnan and Jane
his wife legal heirs and representatives of John M. Kinstry
deceased who died intestate Greeting:

You are hereby required to appear at the Court of Ordinary
to be holden at Pendleton Court House for Pendleton District
on the eighteenth day of September 1826 to show
cause if any you can why the real Estate of John M.
Kinstry deceased, situate in said District on the waters
of Beaverdam Creek whereon John M. Kinstry lately lived
containing 500 acres more or less bounding by lands belonging
Daniel Campbell, Elisha Lewis, James Todd, Elijah
Major, & Abram Mapsey should not be divided, or sold
allotting to each of the above named persons one fifth part
of the same in equal portions. Given under my hand
at Pendleton the 18th day of September

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and seal at Pendleton this fourth day of September
Anno Domini 1826.

John Harris, Ordinary S.S.

Pendleton District

On the 18th September 1826.

Jacob Robt, appeared and consented for himself
and Wife to the partition or sale.

The Same day Thomas, M. Kinsty and Newman
M. Kinsty minors, over the age of 14 Years ap=
peared personally and filed their petition for
Alexander Morehead to be appointed their Guardian
and he appearing and consenting to the appointment
is appointed Guardian accordingly.

The same day the said Guardian accepted
the legal service of the summons, in the
case.

No Evidence being had as to the practicability of
dividing the Land, the case was continued over

order & decree made therein.

On due examination it is ordered and decreed that the Land, described in the Summons in Partition in this case be sold by the Sheriff of Pendleton District on the first Monday in December next or on such other sale day as will be most for the advantage of the parties, in interest on a credit of one year for one third part of the purchase money two years for another third part and three years for the balance except so much as may be necessary to pay the costs, which amount to be paid on the day of sale. The purchaser giving bond with good security and a Mortgage of the premises, if deemed necessary to the Ordinary for the payment of the of the purchase money.

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John Harris Ordinary
Pendleton District