

113

599

David M Daniel  
Estate

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Bond in Money  
\$484<sup>00</sup>

Recorded in Letter W

Volume 24 Page 94-95  
Real Estate

## The State of South-Carolina:

KNOW ALL MEN BY THESE PRESENTS, That *Daniel McDaniel*and *Thomas McDaniel* are

held and firmly bound unto

*James Johnston ordinary of*  
*the district of Fairfield or to his successor in office*in the full and just sum of *Seven hundred and eighty nine*  
*Dollars lawful money of this State*to be paid unto the said *James Johnston or aforesaid or to*  
*his successor or ordinary of said district or to*certain Attorney, Executors or Administrators, or Assigns: To which payment well and truly  
to be made and done, *We* bind ourselves and each and every of our Heirs,  
Executors and Administrators, jointly and severally, firmly by these Presents.Sealed with *our* Seal, and dated the *First* day of *February*  
in the year of our Lord one thousand eight hundred and *Fifty Eight*  
and in the *8<sup>th</sup>* year of the Independence of the United States of AmericaTHE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above  
bound *Daniel McDaniel* his

Heirs, Executors or Administrators, shall and do well and truly pay or cause to be paid unto

the above named *James Johnston ordinary*  
*or aforesaid or to his successor in office*  
*ordinary of said district or to*certain Attorney, Executors or Administrators, or Assigns, the full and just sum of *Four hundred*  
*and eighty four Dollars and fifty cents**with int. from date.*then the above Obligation to be void and of none effect, or else to remain in full force and  
virtue.

Sealed and Delivered, }

In the presence of }

*Robt. B. Smith**Daniel McDaniel*  
*Thomas McDaniel*

L.S.

L.S.

## Notice

The virtue of an order of sale from  
 the Court of Probate, I will offer  
 for sale in front of the Court House  
 in Trummers on the first Monday  
 in February next, the real estate  
 of David M. Daniel deceased, con-  
 taining one Hundred Acres, more  
 or less, situate on the waters of  
 Rocky Creek, bounded by lands of  
 Dr. Wm. Shorn, Elizabeth Rawls and  
 others. On a credit of 12 Months  
 (except the costs of partition which  
 must be paid in cash.) the purchas-  
 -er giving bond and good personal  
 security and to pay for Sheriff's  
 Litter.

R. C. Woodward  
 S. C. C.

Sheriff's Office  
 9<sup>th</sup> Feb'y. 1858

D. M. Daniel } In the Court of  
Applicant } Ordinary.  
vs }  
J. M. Daniel & } Order of Sale.  
Others }

On due Examination it is Ordered and decreed that the Real Estate of David M. Daniel deceased, consisting of One Hundred acres more or less Situate in the District of Fairfield, on the waters of Rocky Creek bounded by lands of Dr. Wm. Thorn, Elizabeth Rawls, & others, be sold by the Sheriff of Fairfield District before the Court House in said District on the first Monday in January next or on such other sale day as will be most advantageous to the parties interested therein, on a credit of Twelve (12) Months (except the costs of partition which must be paid in cash.) the purchaser giving bond and good personal security and to pay for Sheriff's titles.

Given under my hand and Seal of office 19<sup>th</sup> day of December A.D. 1857.  
G. W. Woodward  
C. J. D.

I have this day  
disposed of the  
Land within named  
of one Hundred Acre  
more or less to David,  
McDaniel ~~McDaniel~~  
for ~~Five Hundred~~  
Ten Dollars it being  
the highest and best  
bid - this 1<sup>st</sup> July, 1856  
R. C. Woodward  
S. F. D.

In the Court of Ordinary.  
David M. Daniel  
Real Estate  
Order for Sale

David M. Daniel  
applicant  
vs  
Thos. M. Daniel &  
others

Recorded in Book VI  
Vol. 24 & Page 93 & 94

Lodged 19<sup>th</sup> Decr 1857  
R. C. Woodward  
S. F. D.

599

David McDonald } Petition  
Applicant }  
vs } for sale  
 } of Land  
Mrs. McDonald }  
& others }

Recorded in Book W.  
Volume 24<sup>th</sup> &  
Page 91 & 92.

Filed 24<sup>th</sup> Augt. 1857  
G. W. Woodward  
C. F. O.

The State of South Carolina,

Dan McDonald applicant } In the Court of  
" " " " } Ordinary

Thomas McDonald & others } Petition for partition  
on sale of lands Fairfield District  
to George W Woodward Ordinary  
in & for the District aforesaid

The Petition of Dan McDonald, respectfully  
sheweth unto this Court.

That David McDonald late  
of the District & State aforesaid departed this  
life intestate seized & possessed of a Tract of land  
containing One Hundred Acres Situate in the  
District & State aforesaid On Waters of Rocky  
Creek, Bounded by lands of Dr Wm Thom<sup>son</sup>  
Elizabeth Rawls & others: That said intestate left  
him surviving as his heirs at law & distributees  
your petitioners of Chester District in this State  
Mary Black, wife of Robert Black, of Chester District  
& Thomas McDonald & T. A. McDonald of Fairfield  
District in this State & in Foreign States David  
McDonald, James McDonald, Eliza Baker former McDonald  
J. W. McDonald, J. W. McDonald, Silvester McDonald  
Hugh McDonald, Margaret McDonald, Mary McDonald  
Ann McDonald, James McDonald, Mary McDonald  
Robert Wallace & James Wallace,

That said lands above described is all of which  
the intestate was seized & possessed at the time of  
his death, And in the opinion of your petitioners  
does not exceed in value the sum of One Thou-  
sand Dollars That said Tract of land is at  
present held by Thomas McDonald & your

Petitioners, Parties interested in Common  
Wherefore your Petitioners pray, that said tracts  
of lands may by an order of this Court be  
directed to be sold so that each party interested  
therein may receive his or her share of the proceeds  
thereof severally & that for such purpose a  
summons as directed by law may issue & be  
served upon the parties interested in said land  
and for such other & further relief as the nature  
of the case may demand

Done M<sup>c</sup> Donald



In the Court of Ordinary } 24<sup>th</sup> August 1857  
Fairfield District So. C<sup>a</sup> }

This day having been appointed to  
swear <sup>Witnesses</sup> and examine into the propriety of  
dividing or selling the real estate of  
David McDonald dec<sup>d</sup> and to ascertain  
the value of said lands

The following witnesses appeared and  
being duly sworn says that they  
are well acquainted with the real  
estate of David McDonald dec<sup>d</sup> and  
that it cannot be divided among  
the legatees to any advantage, and  
that it is not worth more than  
Eight hundred and Fifty Dollars in  
their opinions,

Sworn to before me }  
24<sup>th</sup> Augt. 1857 }  
G. W. Woodward }  
O. J. D. }

D. McDonald  
Alex<sup>r</sup>. Kirkpatrick  
A. Beaty

The State of South Carolina,  
To Robert Black & Wife Mary  
M. Black, Thomas McDonald  
& Thoma S. McDonald

Legal Heirs & Representatives of David McDonald  
deceased, who died intestate leaving

You are hereby required to appear at the  
Court of Ordinary to holden at Fairfield  
C. H. For Fairfield District on Friday  
the 27<sup>th</sup> of Nov next (1857), to show cause  
if any you can, why the real estate of  
David McDonald deceased situate on  
waters of Rakey Creek bounded by lands  
of Dr. Wm Thorne, Elizabeth Rawls & others,  
containing One Hundred acres,

Should not be divided or sold, allotting  
to each legatee his or her distribution  
share of proceeds of sale according  
to their several and respective interests  
therein as set forth in the petition in this  
behalf filed in my office 24 August 1857,

Given under my hand and  
Seal of Office this 24<sup>th</sup> Augt.

1857

Y. W. Woodward

O. F. D.

We hereby accept Notice of the within  
Summons & Consent that the real estate  
of said David McDonald deceased be  
sold for division this 25 August 1857  
Witness.

Alex. Kirkpatrick

Thomas McDonald  
Thomas J. McDonald  
Robert <sup>his</sup> Black  
mark

M M Black

The State of South-Carolina.

FAIRFIELD DISTRICT.

In the Court of Ordinary.

Daniel McDonald, Applicant.

vs.

Thos. McDonald, and others Def'ts.

IT appearing to my satisfaction that  
David McDonald, Jane McDonald,  
Eliza Barker, John McDonald, S. B. McDon-  
ald, J. W. McDonald, Silvester McDonald,  
Hugh McDonald, Ann McDonald, James Mc-  
Donald, Mary E. McDonald, Robert Wallace,  
and James Wallace, defendants in the above  
case, reside without this State: it is therefore  
ordered, that they do appear and object to the  
division or sale of the real estate of David Mc-  
Donald deceased, on or before the 27th day of  
November next, (1857) or their consent to the  
same will be entered on record.

G. W. WOODWARD, O. P. D.

Ordinary's Office.

August 25, 1857.

Aug 27

451

11x12ms

J. W. Daniel Esq  
J. Town Atty  
Daniel W. Daniel

CCM fee. 1.00cts  
Chairman fee. 25-  
\$1.25-

Know all Men by these presents that  
we James M Daniel Anna S M Daniel  
& Mary E M Daniel all of the County  
of Jefferson and State of Tennessee have this  
day nominated constituted and appointed  
and by these presents doth nominate constitute  
and appoint our friend and relation, Daniel  
M Daniel of Fairfield District State  
of South Carolina our true and lawful agent  
and attorney in fact for us and in our  
names to collect and receive from the  
Clerk of the Court of Equity or any other  
person having possession of the same, our  
entire interest in the proceeds of the sale  
of any and all the property Real personal  
or mixed which belonged to the Estate of  
our Grandfather David M Daniel late  
of said State of South Carolina and all  
messary Bonds receipts and acquittances to  
give and execute in and about <sup>the</sup> premises  
and we do hereby ratify and confirm whatsoever  
acts and things our said Attorney may do  
as fully as if we were present and doing  
the same ourselves, In testimony of which  
we do hereunto subscribe our names and  
affix our seals the 7<sup>th</sup> day of July 1859

Test,  
R. M. Wallace  
J. J. McAllister

James M Daniel  
Anna S M Daniel  
Mary E M Daniel

State of Tennessee }  
 Tipton County } Personally appeared before me  
 John T. Douglas Clerk of the County  
 Court of said County S. M. Wallace & A. J. Wallace  
 two subscribing witnesses to the foregoing Power  
 of Attorney who being first sworn according  
 to law. depose & say that they are personally  
 acquainted with James M. Daniel Anna J.  
 M. Daniel & Mary E. M. Daniel <sup>the bargain</sup> & that they  
 each in their presence acknowledged the  
 above & foregoing Power of Attorney to be their  
 act & deed for the purposes therein expressed  
 In Testimony whereof I have  
 hereunto set my hand & affixed the  
 seal of said Court at Office in Covington  
 This 27<sup>th</sup> July A.D. 1859

John T. Douglas Clerk  
 By W. O. Meneffe D.C.

State of Tennessee }  
 Tipton County } I William J. Wiseman  
 Chairman or presiding Justice of the County Court  
 of said County do certify that John T. Douglas  
 before whom the within Power of Attorney was  
 proven and whose genuine signature appears  
 to the within certificate was & was at the time  
 of the date thereof the Clerk of our said Court duly  
 elected and qualified according to Law and  
 that W. O. Meneffe is his regular qualified  
 Deputy that by the Law of our said State he  
 is the only proper Officer within & for said

County to receive such acknowledgments &  
certify the same and that the same is in due  
form of Law

Given under my hand and private seal, having  
no seal of Office, this 27<sup>th</sup> day of July A.D. 1859.

W. J. Wiseman *Ch*

State of Tennessee  
Dipton County } I, John S. Douglas Clerk of  
County do certify that W. J. Wiseman Esqr  
who has given the foregoing certificate and whose  
genuine signature appears thereon was at the  
time of the date thereof the Chairman or presiding  
Justice of the Court aforesaid duly elected commis-  
sioned and qualified according to Law and  
that as such all of his official acts are entitled  
to full faith and confidence

In Testimony whereof I have hereunto  
set my hand and affixed the seal of  
said Court at Office in Covington  
this 27<sup>th</sup> July A.D. 1859

John S. Douglas Clerk  
By W. C. Menefee *Cl*