

Will of Austin F. Peay

The State of South Carolina

I Austin F. Peay of the District of Fairfield and State aforesaid, calling to mind the uncertainty of life, do make, publish and declare this my last will and testament, in manner and from following, viz.

Item First. I give and devise to my Executors hereinafter named, all the land which purchased from the estate of Taylor and from the Hopkinses, situate on the Wateree River in the District of Richland and Kershaw, joining land of the Englishes and Nixons, and others, (including a tract of pine land in Kershaw District the legal <sup>title</sup> to which is in my son Nicholas Peay, and which he is to release to my Executors or hold for the use of this my will) in Trust for the use of my daughter Martha Black during the term of her natural life, and at her death in Trust for the heirs of her body, equally to be divided among them according to the Statute of Distributions - I also give and bequeath to my executors, the following negro slaves, viz. Ben, Jenny, Peggy, George, Jack, Zadock, Lovey, Sophia, Zyck, Harriet, George (Boatman) Phoebe, Singleton, Eliza, Betty and her child, Edmond, Harriet, Fanny, Ely, Sammey, Jerry Cook, Nancy, and her five children, Roderick and Jerome (thirty in all) together with their nine work mules, wagon and gear, farming utensils and stock of hogs belonging to, and used on the above mentioned plantations, in Trust for the use of my said daughter Martha Black during the term of her natural life, and at her death in Trust for the children of said daughter equally to be divided between them; in case however, any of the children of my said daughter shall have died leaving issue living at the decease of my said daughter, such issue shall take same share of the aforesaid property which the parent would be entitled to if then living, according to the provisions of the Statute of Distributions - I also give and bequeath to my executors all the debts of every kind and description due to me from my son in law Joseph A. Black Esqr. with power to collect the same in such manner as to my executors shall seem meet and proper, in Trust for the use of my daughter Martha Black during her natural life, and at her death in Trust for her children, share and share alike, the issue of a deceased child, (in case of the death of any in the lifetime of my said daughter leaving issue living at the time of her death) to take the share which the parent would have been entitled to if living.

Item Second. I give, devise, bequeath and confirm to my daughter Sarah Myers all the negro slaves, which I have heretofore delivered into the possession of her and her husband, together with all the plantation, body, or parcel of land, on which she and her husband Dr. John J. Myers now reside, and for which I have heretofore made a Deed of gift to my said daughter.

Item Third. I give and devise to my son Nicholas Peay, in fee simple, all the land planted or cultivated by him the present year, being the Bacot land, Arledge land and Nicholas Peay land, situate on both sides of Dutchman's Creek in the District

of Fairfield and State aforesaid; I also give and bequeath to my said son, all the negro slaves, now worked, used, employed or kept on the plantation or land mentioned in this item of my will; (except such of them as have been disposed of in the preceeding items). My said son is to pay for said slaves above the number of thirty, ( which number thirty is hereby given to him freely and without payment.) at the rate of \$300.00 each, to be paid in one, two or three years, and applied toward the discharge of the debts due by estate; I also give and bequeath to my said son, all the stock of mules, cattle, hogs and farming utensils used, employed or kept on the plantations or land mentioned in this item of my will.

Item Four. I give and devise to my daughter Mary Poelnitz, for and during the term of her natural life, (not to be subject or liable to the debts, contracts or incumbrances of her present or future husband) all my land lying on the N-E-side of the Wateree River, in the Districts of Lancaster and Kershaw, including the land purchased from Thomas T. Williamson; and at the death of my said daughter I give and devise said land to the heirs of her body then living, equally to be divided among them, according to the Statute of Distributions- I also give and bequeath to my said daughter Mary Poelnitz, for and during the term of her natural life, (not to be subject or liable to the debts, contracts or incumbrances of her present or any future husband) the following negro slaves, viz- Patty, Jae, William, Fanny, Washington Hilliards, Chainey, Isaac, William, Sam, Nancy, Sophia, Suckey, Patty, Francis, Polly, Venus, Lizasa Gulla-Robbin Jr., Ellen, Delia, Cudjo, Amey, Nancy, Albert, Obed, Jeff, Jim-Gulla, and Sylvia; and from and immediately after the death of my said daughter I give and bequeath said negro slaves, together with their future issue, to and among the children of my said daughter, share and share alike; in case of any of the children of my said daughter shall have died before that time, leaving issue then living, such issue is to have the share which the parent would have been entitled to if living- Also I give to my said daughter seven cows and calves.

Item Five. I give and confirm to my daughter Eliza Lyles and her husband "Thomas Lyles the thirty negroes which I have already put in their possession- Having already given to my said daughter Eliza a Pianna worth \$300.00, and also to her husband Thomas Lyles the sum of \$600.00 in cash; I further give to my said daughter the further sum of \$1700.00 annually until the same shall amount to \$8000.00; but in case my said daughter shall die before the whole of said amount of money shall have been paid, the further payment of said annuit shall cease, unless she should die before the payment of the first annuity, which first annuity I desire shall be paid to said Thomas Lyles in case of the death of my said daughter before the payment thereof - I also give to my said daughter seven cows and calves.

Item Six. I further will and direct that all the residue of my slaves, horses, mules, cattle, farming utensils, and stock of every kind necessary for the support of the plantation, be kept and employed by my executors on the Brown plantation, Rofs plantation and Flint Hill plantation, until the crops to be raised and made on said plantations shall be sufficient, (together with other funds properly

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OBITUARY

DIED -On the 9th inst., at the residence of Major Starke, near Columbia, Mrs. Martha L. Peay, wife of Col. N. A. Peay, of Fairfield District.

It is difficult to do justice to a character like Mrs. Peay, without being charged with exaggeration; yet the voice of the community in which she dwelt, and of which she was so bright an ornament, cannot withhold its mournful, though brief tribute to her excellence. Nurtured in the most refined circles of society, and married at an age when splendor has its highest attractions, she ever maintained a beautiful simplicity in the exercise of an elegant and widely extended hospitality, in the gentle ministry of an unostentatious charity to the poor, but especially in the quiet duties of life. In untiring devotion to the happiness of husband and children, her generous nature found ample exercise for mind and heart. During the eleven years of her married life, never once did an unkind word pass between her and her husband; and when we add to this the remark of one who was long an inmate of the family, that she was never known to speak a harsh or unkind word to a servant it may well be said hers was a truly lovely spirit, nor was she wanting in firmness and energy of character, these were manifest in the systematic regularity of her domestic arrangements, and in the judicious discipline of her children. In the character of a tender but faithful mother, earnest and prayerful in the religious training of her children, the writer knew her best, and in this, few could claim higher praise. She trusted not alone to the instincts of a mother's love, but sought anxiously by reading and by counsel with those who might instruct, to know a mother's duties and the surest modes of discharging them.

Such in a brief outline of one who, with all that love and friendship could throw around home and an extensive social circle, has passed away, and we feel assured, to a holier home and companionship. Her life exhibited much of the Christian spirit, and her last days gave assurance of that faith that triumphs over death.

Mrs. Peay died in the 31st year of her age, leaving six children.

applicable thereto) to pay off and discharge all of my just debts and pecuniary legacies; and after all my just debts and pecuniary legacies shall have been paid, I give and devise the said Brown plantation, Rofs plantation and Flint Hill plantation together with all my land on the S-W-Side of the Wateree river which laye joining each other or in any wise united, together with all the stock of horses, mules, hogs, cattle, and farming utensils of every kind which shall be on said plantation, to my son Nicholas Peay absolutely and forever.

Item Seven. I authorize my executors to sell in such manner as to them shall appear most for the benefit of my estate, all the residue of my lands, lying in Fairfield District, being in several detached tracts or parcels, and to make and deliver to the purchaser, or purchasers, good and legal titles for the same.

Item Eight. In case Jacky Perry shall pay to my executors the debt of \$1890.75, with the interest from the fourteenth March 1833, which I advanced for him to John Carter, also the balance due on my books, and my notes in the Camden Bank, all of which were given for his use and benefit, and all other debts which he owes me, and shall also discharge my estate from all liabilities as his Surety, I authorize and empower my executors to relenquish the title which I hold for the land on which he lives and the negroes now in his possession, and for which he now pays me a small rent and hire.

Item Nine. After all my just debts and the foregoing pecuniary and specific legacies shall have been paid; I will and direct that all the residue of my negroes not hereinbefore disposed of be divided by my executors into five equal shares, keeping families together as far as possible, and when necessary equalizing the divisions by money to be paid by certain divisions or lots which may be of greater value, to such as may be of less value; and that my children, Martha Black, Sarah Myers, Nicholas Peay, Mary Poelnitz, and Eliza Lyles, each draw for one of said lots; and the lot, or share, which shall be drawn by each of my said daughters severally I do hereby give and bequeath to her, for and during the term of her natural life, and at her death to be equally divided among her issue then living, according to the Statute of Distributions; said slaves in this item of my will not to be subject or liable to the debts, contracts or incumbrances of the husband of my said daughters, or either of them; And the lot which shall be drawn by my son Nicholas Peay, I do hereby give and bequeath to him-

Item Ten. All the residue of my estate, if there should be any thing embraced in the foregoing provisions of my will, I give and bequeath to my aforesaid children equally to be divided between them-Subject to the following particulars omitted above-

Item Eleventh. When Henry Belton, son of my nephew William A.A. Belton shall attain the age of twenty-one years, I then give and devise to him for and during the term of his natural life, and at his death to the heirs of his body then living the following parcels of land, viz. the tract of land containing 750 acres situate in the District of Fairfield, purchased by me at Sheriffs Sale as the property of

William Robertson and for which titles were made by the Sheriff to Roland Cornelius; and the tract of land containing 250 acres joining said tract, and conveyed by John McMaster as agent for Cornelius Mandeville to Roland Cornelius; which said tracts of land said Roland Cornelius holds as trustee and subject to my order and appointment- But in case the said Henry Belton should die without issue living at the time of his death, then said land in this item of my will mentioned shall revert to my estate and be equally divided among all my children, or be sold by my executors and the proceeds thereof divided among my children, or applied toward the payment of my debts, should any of them at that time remain unpaid. And until the said Henry Belton shall attain the age of twenty-one years, the rents of said lands are to be received by my executors and applied toward the payment of my debts, or divided equally among my children.

Item Twelve. I give and bequeath eight of my slaves, viz. Amey, Nelly, Louisa and her children. Elizabeth, John/Robin, George and Sarah, to my son Nicholas Peay in Trust that he will as soon as practicable after my decease, procure the emancipation of said slaves: but in case they cannot be emancipated, or in case they would prefer remaining in their present condition, then it is my will that they be allowed to enjoy as much liberty as they do at present.

Item Thirteen. My wife having left my bed and board, I conceive that she has no just right to any share or portion of my estate- And it is my will that she shall not be allowed any part of my estate whatsoever, either real or personal-

Item Fourteen. Lastly, I do hereby nominate, constitute and appoint my son Nicholas Peay, and my sons-in-law Charles Poelnitts and Thomas Lyles, and my friend Roland Cornelius Executors of this my last will and testament, hereby revoking all former wills by me heretofore made, and establishing this my last will and testament- In testimony whereof I have hereunto set my hand and seal this 10th day of October in the year of our Lord one thousand eight hundred and thirty four and in the fifty ninth year of the Independence of the United States of America.

Signed, Sealed, published and declared by Austin F. Peay, when signed this sheet of paper and the two sheets hereunto annexed, as his last will and testament in the presence of us, who in his presence and by the testator A. F. Peay (seal) and at request and in the presence of each other, subscribed our names as witnesses to the due execution thereof

In the Twelfth Item, the word "six" erased and "eight" interlined, also in the second line of the Twelfth Item, "Robin, George," interlined before the execution of this will,

Proved——unknown

unknown

Recorded in Book 19

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Apt. 74 File 51

David McDowell

James Rochelle

John Bell

William Nelson

The Will of Nicholas Peay

State of South Carolina.

In the name of God Amen,

I Nicholas Peay of Fairfield District and State aforesaid being of sound and perfect mind, memory and understanding good, do make publick, pronounce and declare this to be and contain my last will and Testament, hereby revoking, disallowing and annulling all last wills and Testaments by me at any time heretofore made and Executed, and declaring this to contain my onley last will and Testament- In Primis, I recommend my soul to God who gave, and my Body to the Earth to be decently buried at the discretion of my Executor hereafter mentioned, and my worldly Effects and Extate, after payment and satisfaction of all my just Debts, I give and bequeath as follows; (that is to say) First. I give and bequeath unto my beloved wife Mary Peay, two Horses, four cows and calves, all my stock of Hogs, one feather Bed and furniture, and as much corn and fodder as will support my family and stock until a new crop also, all that part of the plantation I now reside upon which is now cleared and in cultivation with all the improvements thereon, with the priviledge of using firewood and timber to keep up the said plantation which said Horses, cows and calves, stock of Hogs. Bed and furniture and plantation, I give and bequeath unto my beloved wife Mary Peay, to the onley use and behoof of the said Mary Peay during her natural life or widowhood, and at her decease or marriage, the Horses, Cows and Calves, stock of Hogs, Bed and furniture, and the plantation to belong to my Grandson William A.A. Belton if then a living, if dead, to my son Austin F. Peay or his heirs- Item. I give and bequeath unto my beloved grandson William A.A. Belton, one negro wench named Phillis and her two children Effy and Harriott, with all their future increase, also all that plantation whereon I now reside except that part, that I have bequeathed to my beloved wife Mary Peay which is above designated, and at her the said Mary Peay's decease or marriage (should she marry) the whole of that part of the said plantation which I have before bequeathed to my beloved wife I give and bequeath to my said grandson William A. A. Belton, and the heirs of his Body forever, also the Horses, cows and calves, stock of Hogs, Bed and furniture to be the said William A. A. Belton, But should the said William A.A. Belton die leaving no heir of his Body then living, The negro wench Phillis and her two children Effy and Harriott and their increase, and the whole of the plantation before mentioned I will and desire that my son Austin Ford Peay should have the whole of them -Item, I give and bequeath unto my son Austin Ford Peay one negro fellow named Adam, one fellow named Tony one fellow named Jimm, one fellow named Ben, one fellow named Dublin, one boy named Brister, one boy named Isaac, one negro wench named Amy, one girl named Riner, one girl named Nancy, one small girl named Mahala, all my stock of cattle, and Horses (except those above given to my wife), also all my stock of sheep and Goats, also all my Household and Kitchen Furniture, plantation and carpenters tools, which said negroes, Adam, Tom, Jim, Ben, Dublin,

Brister, Isaac, Amey, Riner, Nancy, Mahala, the stock of Horses and Cattle (except those before accepted), stock of sheep and Goats, Household and Kitchen furniture, plantation and carpenters tools with all the future increase of the said negroes, I give and bequeath unto my son Austin Ford Peay forever to the onley use and behoof of the said Austin Ford Peay and his heirs forever. Lastly I constitute and appoint my beloved son Austin Ford Peay my Lawfull Executor to this my last will and Testament, to which I have set my hand and seal this Eleventh day of December in the year of Our Lord One Thousand Eight hundred and Eleven and in the Thirty fifth year of the United States of America Independence - -

Signed, Sealed, Published, Prenounced and declared by the said Testator to be and contain his last will and Testament, and who in presence of each other at his request, subscribed their names as witnefses thereto - -

Wm Strother

Jno Woodward Junior

R. Rugeley

Nicholas Peay (seal)

Proven I3 Oct. 1813

Jno Buchanan J.C.O.

Recorded in will book #6, Page 194

Recorded --Date missing

Apt. #28 File #4II