

South Carolina

P. 23

This Indenture made the fourth day of July in the year of our Lord one Thousand seven Hundred and Eighty Three Between John McNeill late of Lond in the County of Antrim in the Kingdom of Ireland but now of the State of South Carolina of the one Part Martha Griffith of Prince Williams Parish in the State aforesaid widow of Edward Griffith deceased of the second Part and William Smith of the said Parish and State of the third Part Whereas a Marriage is intended by Gods Permission to be shortly had and solemnized between the said John McNeill & the said Martha Griffith and whereas the said Martha at the time of executing these Presents is and stands seized in fee Simple to her & her Heirs of certain Lands Tenements & Hereditaments and is also possessed of interested in or intitled to a considerable Personal Estate as well under the Will of her deceased Husband as otherwise And whereas upon the Treaty & previous to the said intended Marriage it hath been & is agreed between the said John McNeill & the said Martha Griffith that as well the said Lands Tenements Hereditaments & Personal Estate of which she is now possessed interested in or intitled to as all such Estate of any kind & which may descend or come to her in any manner whatever should ^{be} by her granted ~~to~~ ^{be} assigned transferred & set over unto the said William Smith his Heirs Executors or Admi:

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& purposes herein after to be declared of and concerning the same Now
 this Indenture Witnesseth That in pursuance & part Performanc
 of the said recited Agreement in Consideration of the said intended
 Marriage & also of the sum of five pounds Sterling to him the said
 John McKie in Hand well & truly paid by the said Martha Griff-
 = fith at or before the sealing & delivery of these Presents the Receipt where-
 = of is hereby acknowledge and also in further Consideration of the sum
 of Ten Shillings to her in Hand paid by the said William Smith
 the Receipt whereof is hereby acknowledge she the said Martha Griff-
 = fith (by & with the Knowledge Privy & Consent of the said John McKie
 her intended Husband testified by his being a Party to & executing these
 Presence) hath granted bargained sold aliened Released and Confirmed
 and by these Presents both grant bargain sell alien Release and Confir-
 = ments the said William Smith) in his Actual Possession now being by vir-
 = tue of a Bargain & Sale to him made for a year by Indenture bearing date
 the day next before the day of the date of these Presents & by force of the
 Statute for transferring of Uses into Possession) & to his Heirs and Assigns
 forever all & singular the Plantations Parcels Tracts of Land Heredi-
 = taments and Premises of her the said Martha Griffith wheresoever
 situate lying or being and the Receipt whereof is hereby acknowledge

Remainders Rents Issues and Profits thereof & of every part thereof
And also all the Estate Right Title Interest Inheritance Property Claim
& Demand whatsoever both in Law & in Equity of her the said Martha Griff-
fith of in to or out of the hereby granted & released Hereditaments Every Part
& Parcel thereof To have and to hold all & singular the Premises intended
to be hereby granted & released with their & every of their Appurtenances unto
the said William Smith his Heirs & Assigns to for & upon the several Uses Trusts
Intentions & Purposes herein after limited expressed & declared of & concerning
the same And this Indenture further Witnesseth That for the Consi-
-derations aforesaid in further Assurance & Performance of the said recited
Agreement & also for & in Consideration of the sum of Ten Shillings to the
said ~~Martha~~ Griffith in Hand paid the Receipt whereof is hereby acknow-
-ledged she the said Martha by and with the Consent of the said John
McNeill testified as aforesaid Hath bargained sold assigned transferred
& set over and by these Presents both bargain sell assign transfer and set
over unto the said William Smith his Executors Administrators and
Assigns all the Negroes Monies Bonds & Chattels and Debts which
she the said Martha Griffith is possessed of interested in or entitled
to under the Will of her said late Husband or otherwise howsoever

To have and To hold the same unto the said William Smith his Executors Ad-
 ministrators & Assigns to the Uses and upon the Trusts herein after Mentioned
 of & concerning the same that is to say as well touching and concerning the said
 Real as the said Personal Estate Debts Goods and Chattels in Trust & to & for the
 sole & separate Use and Behoof of the said Martha during the Joint Lives of
 them the said John McNeil & Martha Griffith and from & after the decease
 of the said Martha then in Trust & to & for the use & Behoof of such Person or
 Persons & for such Estate & Estates as she the said Martha shall by Will duly au-
 - ly executed in the Presence of Three credible Testifiers limit or appoint But in
 Case the said Martha shall not make any Will & the said John McNeil
 should survive her then in Trust & to & for the use & Behoof of the said John Mc-
 Neil during the Term of his Natural Life & after his Decease in Trust & to & for the
 use & Behoof of Edward, Jane, Hannah, Mary & Thomas Jones Griffith being the
Children of the said Martha to be equally divided among them share & share
 alike as Tenants in Common & not as Joint Tenants & to their Heirs & Assigns for ever
 And the said John McNeil for himself his Heirs Exors & Admors doth covenant
 grant & agree to & with the said William Smith his Heirs Exors & Admors by these
 Presents in Manner & Form following - that is to say - that if the said intended
 Marriage shall take Effect that then he the said John McNeil shall & will

Children of Edward
 Griffiths and Martha
 Miles

permit & suffer the said Martha Griffiths to give grant & dispose of her said
separate Estate as well what she is now possessed of or entitled to as what she shall
hereafter acquire by Descent, Gift, Devise, or otherwise by such Will as aforesaid
in such Manner to such Person or Persons & for such Estate & Estates as she shall
think fit & proper & that he will suffer such Will to be duly proved by the Executor
to be named therein & that the Person or Persons to whom she shall give or dispose
of any Part or all of her said Estate shall hold occupy & enjoy the same accord-
-ing to the true Intent & Meaning of such Gift Devise or Appointment with-
out any Lets Hindrance Denial or Interruptions of or by the said John
McNeil his Heirs Exors Admons or Assigns or any of them And lastly
that he the said John McNeil shall & will from time to time & at all times
hereafter upon the reasonable Request & at the proper costs & Charges in
the Law of the said William Smith his Heirs Exors or Admons make do &
execute or cause to be made done & executed all such further & other lawful &
reasonable Acts Things & Devices for the further better & more perfect settling
conveying & assuring the Premises according to the True Intent & Meaning of
these Presents as by the said William Smith his Heirs Exors or Admons
or his or their Counsel learned in the Law shall be reasonably advised or advised
& required In Witness whereof the said Parties to these Presents have here-
-unto

set their Hands & Seals on the day & in the Year first above written.

Sealed & delivered in the presence of us the words "Duobus" having been struck out of the said Indenture in several parts & the word "being" having been inserted

John McNeill

Martha Griffith

William Smith

James Bradford
Sophia Miles
Paid to me by him &

John McNeill.

Rec^d the day & year within written of the within named Martha Griffith the consideration money within mentioned to have been

Rec^d the day & year within written of the within named William Smith the consideration money within mentioned to be paid by him to me

Martha Griffith -

Before John Vanderhooff Esquire Personally appeared Mr James Bradford, who made Oath on the Holy Evangelists of Almighty God, that he was present and saw John McNeill Martha Griffith & William Smith severally sign seal and as their Acts and deeds deliver the within Indenture, to and for the Uses intents and purposes therein mentioned, that he also saw John McNeill sign the Receipt on the Back of this Indenture and further that he saw Martha Griffith, sign the other Receipt on the back of said Indenture for the Consideration money and that he together with Sophia Miles, signed their names as witnesses to the due execution of the same. Sworn this 15th day April 1784

Recorded the 27 April 1784

Before me John Vanderhooff J.P.

State of South Carolina

To all to whom these Presents shall come Greeting

In the Circuit Court of the
United States for the Dis-
trict of Georgia

vs Armstrong Eyer
of Wm Jones
vs
Henrietta C. Smyth

Report of the Registrar
December Term 1820.
J
Filed 7 Dec. 1825.

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John Armstrong
Surgeon Executor &c complete
And
Henrietta G. Almy et al
Defts } In Equity

The Registrar in obedience to the order passed at the last Term of this honorable Court respectfully reports, that it fully appears by the Evidence now filed that Mrs Mary C. McNish, Sister of the half blood of the said Henrietta G. Almy, was a niece of Mrs Henrietta B. Jones in the said Testator's will mentioned - That the said Mary C. McNish died within ten Years last past leaving the following persons as her heirs at law and Representatives to wit, Henry M. McNish and John M. McNish, two of the Defendants, her sons, and Mrs Mary C. the wife of Joseph A. Scott her daughter - that the said Mary C. the wife of Joseph A. Scott lately departed this life leaving at her death her husband Joseph A. Scott and her children - to wit, William Scott, Josephine A. Scott, Joseph E. Scott, Catharine A. Scott, John J. Scott and Henrietta A. Scott. That it appears further by the Evidence before him David Huguenin late of South Carolina was a Nephew of the said Henrietta B. Jones, that he died in the year one thousand eight hundred and one leaving at his death four children to wit, William J. Huguenin, Elizabeth Huguenin now the wife of James McLaws of Augusta, Mary Ann the ^{Widow} ~~daughter~~ of William Kelly and James D. Huguenin of South Carolina, and that William J. Huguenin died in the year Eighteen hundred and eighteen leaving two children Leonora & Marion & a Widow Sarah - The Registrar therefore reports that the persons aforesaid claiming under Mrs Mary C. McNish have made out their claim and are entitled to one share, and that the persons aforesaid claiming under the said David Huguenin have made out their claim and are entitled to one share.

Savannah December 7. 1825. Geo. Glen Clerk

COPY

FROM

THE NATIONAL ARCHIVES
ATLANTA REGIONAL RECORDS BRANCH

Record Group No. 21

Additional Information _____

U.S. Circuit Court, Southern Dist of GA

Savannah Division

Mixed Case Files

Armstrong (Jesse) vs Army, et al - C1

Location: B/23/24/3, Box 48