

The Will of Rev. James Hembree, 1849, Anderson District, SC

In the name of God, Amen. I, James Hembree, Minister of the Gospel in Anderson District, SC being now in good health and of a sound disposing mind and memory and knowing that my earthly house of this labor made must be dissolved, that mortality may be swallowed up of life and to be ever with the Lord, I do make and ordain this, my last will and testament.

First--If my wife should be the longest liver my will is that my whole estate, real and personal, without exception, remain with her for her support enduring her natural life and at her death to be disposed of in the following manner. My will is that my black woman, Peggy, and her son, Grief Presley, have the liberty to choose their master, and that one of the executors gives them a pass for five days, to look out a person of their choice and as Peggy is near forty seven years old and is not very sound and Grief will be twelve years old on the 25th of August, next, I value them myself - the purchaser to give six hundred dollars or have them valued, the purchaser to have the same credit and terms as those who buy at my public sale - the money to be paid over to my executors as part of my estate, the ballance [sic] of my whole estate to be sold to the highest bidder consisting of two hundred acres of land, less or more, whereon I now live. Stock-horses, cows, hogs and sheep, household and kitchen furniture, plantation tools and every article I may possess - and as for Peggy's household and kitchen furniture that don't belong to my estate, I have no claim to anything in her house, except the cotton wheel and cards and old table and now for the division.

Four of my children has been advanced above the rest - John and James Hembree, Winney Heaton and Polley Bowen. I have gave land to these four, therefore I bequeath to my son, Amariah Hembree, one hundred dollars **and to Job Rainwater who married my daughter - Didama, one hundred dollars** and to Daniel Gentry, who married my daughter Mahala, one hundred dollars. I also bequeath to William Heaton, who married my daughter - Hephzibah, five dollars and to his daughter, Betsy Lavinia, my grand-daughter - twenty dollars and for my beloved daughter Sally Day - she lives far off in Texas, I therefore bequeath unto her one dollar. When these bequeaths of three hundred and twenty six dollars are counted out with all the lawful expenses, the ballance of my estate to be equally divided amongst my three sons and four daughters (viz) Amariah Hembree, John Hembree and James Hembree, Winney Heaton, **Didama Rainwater**, Mahala Gentry and Polley Bowen and lastly, I do nominate and appoint my two sons John and James Hembree, executors of this, my last will and testament and as my wife is not capable of trading and doing business for herself, I appoint my son, James, guardian for his mother and I authorize him to sell any part of the stock or household furniture for her support as needed and I do hereby revoke and make void all other testaments and executors by me in any wise before named, willed or bequeathed testifying and confirming this and no other to be my last will and testament in witness whereof I have hereunto set my hand and seal the fifth day of May in the year of our Lord, One Thousand Eight Hundred and Forty Seven.

Signed, sealed and pronounced by the said, James Hembree to be his last will and testament in the presence of each other, have hereunto subscribed our names.

Jno. C. Griffin, James Hembree, S. D. Gailand, J. T. Whitefield

Personally appeared John C. Griffin and made oath the he did see James Hembree, Senr sign the above and foregoing as and for his last will and testament and state at the time of his signing the same,he believed he was of sound and disposing mind, memory and understanding and that C. D. Gailland and J. T. Whitefield, with his understanding, witness the same, and that they all signed in the presence of the testator and of each other. Sworn to and subscribed before me the 20th day of August 1849.

Jno C.Griffin

I Herbert Hammond, Ordinary of the district, aforesaid do hereby certify that the last will and testament of James Hembree, Senr, deceased, was admitted to probate in common form, on the oath of John C. Griffin, one of the witnesses to the same on this 20th day of August 1840 and that on the same day James Hembree qualified as executor of the same.

Given under my hand and seal this 20th day of August 1849

Herbert Hammond [Seal]