

EARLY YORK COUNTY WILL

by Louise Pettus

The early York County estate records have been preserved on microfilm. Legal papers such as wills, estate inventories (records of those who did not devise wills) and sheriff's auction records make interesting reading, especially those papers recorded in the early years of the county.

Most of the writers of wills were husbands and fathers. They recorded the wills in order that their estates be distributed in the manner that they wished them to be but, no matter what the wishes were, if their were debts, the estate assets would be auctioned at a public sale and the proceeds would be applied against the debts with the remainder going to the nearest of kin.

As a general rule, in any family where there was a widow and adult children, the adult sons received the land. The "mansion house" would be reserved for the widow as long as she lived--if she remained in a "state of widowhood."

The furniture, tools, animals, and personal possessions were often distributed among the daughters and younger sons.

In 1788 Matthew Bigger, who apparently had no children, left all of his property to his widow except that at her death or remarriage all of the estate to go to "James Bigger my brother Moses' son."

Oliver Wallace, Jr. was more generous. In his 1789 will he stipulated: "I give and bequeath to my wife Judith Wallace my oldest Bay Mare, with a woman's Saddle & Bridle also a Feather Bed and Furniture with all her wearing apparel, and equal part with my 3 daughters in my household furniture, which I allow to be her use and disposal forever." The son, Oliver Barry Wallace, received the 100 acre plantation but Wallace stated that he wished his wife to "have as comfortable and Genteel a living off of the Plantation I now live on as the same will admit of together with service of by Negro Boy Snow...."

James Ferguson's will written in January 1793 clearly intended to allow his widow to have use of the land only if she did not remarry: "My beloved wife Arnaretta full possession of the dwelling house I now live in, with what household plenishing she thinks proper to keep, with two Cows & Calves with one Plough and two pairs of Gears and Tacklings with two work Horses, and my Negro man Sandy, and my Negro wench Rachel, with full power to use the above articles to Till what of the Land she shall need for her sustenance during her Natural Life (if she remain a Widow) and at her death or marriage, whatever of the above articles is then in being...[to be distributed to the children]."

Nathaniel Henderson's wife Ellanah (Eleanor) had been married previously and brought property into the marriage. Nathaniel stated in his will that Ellenah was to keep those items she brought into the marriage. He listed these as: "a bright bay mare, sorrel horse colt, a grown cow, bed & bedstead and furniture compleat, household and kitchen furniture" and then added that she was to have the services of two servants "until her Death or Change of Station."

Nathaniel Henderson continued, "I allow my said wife as Comfortable and Plentiful a living off of the Plantation I now live on as the same will admit for four years after my decease and the use of one Barr shear [a type of plow] and one shovel plough with common trimmings... and if it is amicably agreed on between my Sd. wife and my family connections, whom it may immediately concern for her my Sd. wife to continue to carry on the Plantation business in conjunction

with my sons Nathaniel and Robert, it would be agreeable to my Desire, but if the same is objected against...the survey of the land I now live on being by Estimation 640 acres is to [be] divided among my sons Nathaniel, Daniel, James, Robert, Samuel & Thomas."

Stephen Miller "lent" his estate to his wife Hannah until their children were 21 years or age or married. His son James Miller was to get the Catawba Indian Land plantation after the death of his mother.

It is interesting that a majority of the deceased did not leave wills. There were far more estate inventories recorded than there were wills recorded.

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