

WILL OF SAMUEL KNOX, 1730-1800

Buried in Steele Creek Presbyterian Church Cemetery, Mecklenburg County, NC

-IN THE NAME OF GOD AMEN -

I SAMUEL KNOX of the County of Mecklenburg and State of North Carolina being through the abundant Mercy and goodness of God though weak in body yet of sound and perfect understanding and Memory do constitute this my Last Will and Testament. . . . As to my burial I desire it may be decent without pomp or state at the discretion of my wife and Executors herein after named who I doubt not will manage it with all prudence. And as to my world estate I will it and order that my just debts be paid. Item. To my well beloved wife Mary I bequeath one bed and furniture which she commonly called her own and also two horses named Roan and Fox. Also two Negroes named January and Nan also six cows of her own choosing out of my flock and hogs at the discretion of my Executors for her maintenance, also four sheep with a new saddle and bridle plough and tackling, one mattock two hoes one walnut chest one mahogany table with all the pots, pans & dresser furniture except the silver handled knives and forks which are to be equally divided between my widow and three daughters and for her my widow to remain and enjoy this my mansion house and farm during her widowhood also young black mare named Cate all which is to have and possess during her widowhood except the Negroes and them to be equally divided among my three daughters Jane, Sarah and Mary except the household furniture which she is to dispose of at her own discretion. Item To my well beloved daughters Jane I bequeath one roan horse named Flint with three cows and four hogs. Item. To my daughter Sarah I bequeath one sorrel mare named dawson with six head of neat cattle of two or three years old and five head of hogs and two sheep and in case she does not come for said Legacy in the span of five years after my decease then said Legacy to be divided between my daughters Jane and Mary. Item. To my daughter Mary I bequeath a sorrel horse named Dawson(?) 6 head of neat cattle of two or three years old with six young hogs and four sheep also one negro named Ive. Item. To my grandson John Pettus I bequeath negro man named Jack & one gold watch. Item. To my grandson Stephen Pettus I bequeath one negro woman called Bet. Item. To my granddaughter Agness Pettus I bequeath one negro man called Frank and four head of neat cattle of one or two years old. Item to my granddaughter Mary Pettus daughter of George Pettus I bequeath one mulatto boy named Duff and one yearling filly a colt of Dosons. Item. To my granddaughter Mary Candlish I bequeath three negroes named Tom, Will and Phib. Also one plantation whereupon Alexander Candlish lived in York County South Carolina on waters of Steel Creek joining George Pettus, William Pettus, Joseph Jackson, and Jesse Horn, and one plantation in Mecklenburg Co No. Carolina joining John Neely, Charles Calhoun, Walter Davis & Robert Barnett on the waters of Steel Creek containing about three hundred acres and one plantation near Bigger's Ferry on the Catawba joining the lands of David

McMason, Samuel Neely, Martin West containing three hundred acres, also one plantation joining the Indian line and the lands that was formerly Jackson Neelys and another tract of my own and David Knox's all that the patent contains also a lease of land in South Carolina joining the last mentioned tract of land a small tract joining Martin West & Standard's lines and if Alexander Candlish returns to these parts to live he is to have hold occupy and possess any tract willed to Mary Candlish & two of said negroes for twenty five years after my decease and not sell, barter, or trade said land or negroes to any person or persons whatsoever and in case Mary Candlish dies before she arrives to the age of eighteen years then s<sup>d</sup> lands and negroes to descend to her brothers or sisters in case s<sup>d</sup> Candlish has no issue by her mother then s<sup>d</sup> lands and negroes to descend to my daughters Jane and Mary equally also one negro girl named Sall till she s<sup>d</sup> negro is twenty four years of age. Item. To my granddaughter Rebecca Pettus I bequeath a negro girl named Poll and five head of neat cattle about one or two years old. Item. To my grandson Samuel Knox Pettus son of William Pettus I bequeath the plantation whereon I now live and as much in the south state joining this tract as will make this tract eight hundred acres with all the improvements and appurtenances thereunto belonging forever also one negro woman named Dinah one negro boy called Moses and his father to have the use of said negroes till s<sup>d</sup> heir is twenty one years of age. Item. to Wm. Pettus I bequeath all the remainder of land in South Carolina except the tract my brother Robert Knox lives on which he is to hold during his life and then to descend to William Pettus except a tract joining Richard Springs on the Millstone Branch and Clem's Branch and that tract I bequeath to my grandson Stephen Pettus one half of said tract is John Knox's and the lease in his name and mine and John Pettus son of George Pettus I bequeath one tract of land joining the lines of Richard Robison, John Price, Wm. McRea, James Blackwood, Wm. Ferguson, Robt McCormack, about one hundred and twenty eight acres, and one piece of land that Gordon leased out a small tract joining widow Neels, Jas Porter and Capt Harts and two warrants in the hands of the county surveyor and these last named lands I bequeath to my Exor<sup>s</sup> herein after named to be sold and the money arising from the sale to be equally divided among my grandchildren above named my two stills, my stallion, my two waggons, my guns, my sword, and all horses and neat cattle, hogs and sheep not mentioned and all the farming utensils o be sold and the money arising from the sale, the brick house that is now begun to be completed and done off according to what Thompson, Hartgrove, and Charles Wright has agreed to do it for s<sup>d</sup> house to be twenty feet high above the stone work and cheimneys and all the money arising from the sale and all notes, bonds and book debts after said building is completed and the money in the hands of my exor<sup>s</sup> to be equally divided among my grandchildren and put to usury for them, and to my brother Johns son Samuel Knox I bequeath one young bay horse two years old, and to Samuel Knox Pettus my grandson I bequeath one tract of land joining Samuel Calhoun and my own and Samuel Neely's lines about thirty acres. The grain in the ground after a

sufficient quantity laid off for the maintenance of my widow to be sold at the discretion of my Exors, my smith tools, harness leather and saddle furniture and all other hides and leather and what whiskey can be spared and loom and tackling to be sold and the money to be divided as above directed, and I leave all my wearing apparel to be equally divided between my brothers Matthew Knox and David Knox and the plantation that is between David Knox and me I bequeath him my half of it. And I bequeath James Tagart my best Hatt and I do hereby forever ratify and confirm all gifts, bequests and legacies by me formerly granted and I appoint and constitute my beloved wife Mary Knox my executrix, William Pettus and James Tagart my Executors to this my last will and testaments. In witness whereof I have here unto set my hand and seal this 5th day of May 1794 signed, sealed and pronounced in the presence of

James F. Gordon  
his  
Joseph X Knox  
mark  
George Pettus

Samuel Knox {LS}

Estate administration:

April Session 1804 Mecklenburg County Court Minutes, Book 4. #463:

George Pettus vs. Samuel Knoxes Exrs. Charged, Verdict-find for the Plaintiff £120.11.9 and they also find a Set Off in the following words to Wit: Twelve months after date we or either of us acknowledge ourselves bound to pay or cause to be paid unto William Pettus or James Tagerts, Executors or the Estate of Samuel Knox, deceased, the Sum of \$285, Value received, Witness our hands and Seals this 15th day of May 1800[Sic].

George Pettus (Seal)  
Alexr. Candlish

Test: Robert Bigham  
(Seal)

And that the \$241.21 of Said Bond is a compleat Set off against the plaintiffs Demands.

South Carolina  
York District  
true  
Samuel  
Office

I Benjamin Chambers Ordinary of the District aforesaid do hereby certify that the within is a copy of the last and will and testament of Knox Deceased as in the Records of this

Given under my hand & seal July 9, 1823 Benjamin Chambers

O.Y.D.

[Above was submitted as evidence in the case "Alexander Sutton & Wife vs. John Jackson", April 20, 1830. Bill #60 York District Chancery Court. The case was over the Indian lease land willed to Mary Pettus, Samuel Knox's granddaughter. Her father, Alexander Candlish, sold the lease to John Jackson contrary to Knox's will. Mary Candlish had married Alexander Sutton. Her father, Alexander Candlish, had died in 1819. Her mother, Sarah Knox Candlish, was still alive and testified in the case.

James Harris, Esq. testified: "knows the land in dispute has known it since 1785 it was then called Samuel Knox land the land in question . . . big survey before the marriage of Candlish. Mr. Knox had paid rent to the Indians, who acknowledged the lease before one of our agents Charles Miller this was in 1786 or 1787 . . . always understood that Mr. and Mrs. Candlish went into possession of the land by permission of old Mr. Knox that Knox said that he did not intend to make them title, that he was a merchant and he did not what claim might come against him, that Candlish' wife was a favorite daughter and he wanted her to live beside him, he was twenty five years ahead in payment of the rent to the indians. Witness lived near the Knoxes. Mr. Candlish lived there 3 or 4 years before he went away so the land in question during that time it was (illegible) Mr. Knoxes and considered so by the neighbors. . . .Knox sold off land joining the land in question.

Joseph Jackson, witness: Knew old Mr. Knox he lived with him 3 years, well acquainted with hiim. he claimed the land in question from 1783 or 1784 until the day he died. Mr. Candlish lived on the land. After he Candlish went away he rented the land out 2 years. After those 2 years Knox rented out the land received the rent therefor until he died it was known publicly & the common report in the kneighborhood that Knox had willed the land to Candlish 25 years and afterwards to his granddaughter the wife of the complainant.

Sarah Candlish, witness: Heard Mr. Candlish say that he had got a lease of the land this was shortly after they married but the witness never saw it. Witness was the only Sarah Candlish that she ever knew. She remembers John Clary but don't recollect ever witnessing any paper with him and the lease C being shown to her by candlelight she canno see well enough to say whether the signature is hers or not. Mr. Candlish did not sell any part of the land to Jas. Stewart his brother in law but permitted him to live on it. It was not long after they married that Stuart lived on the land does not recollect of his ever making a title to Stuart. Admitted that Candlish died on the 19th April 1818 [died in Charleston and there were Masonic rites] Stuart never lived on any other land than a part of the land in dispute. He died there. . . .

James M. Harris Witness. In 1819 was present when the lease was signed to John Jackson the Deft. Hugh White one of the agents refused to sign the lease for this land saying it was willed by Mr. Knox to Mrs. Sutton. John Jackson present. Wm. Pettus the Exor of Knox said John Jackson ought to have the lease. White and Pettus had a talk ---illegible--- the lease of Pettus's the lease would not have been signed. Jackson did not pretend knowing it was signed.

Joseph Jackson - Witness. Knew Samuel Knox leased with him several years. One Barnitt claimed a part of this land in 1784, gave a horse to the Indians, & when he found Samuel Knox had the claim, he got his horse back, and quit his claim. No body else ever claimed it. Knox Mr. Candlish the father of Mrs. Sutton. Alexander Candlish lived \_\_\_\_\_ years on it. Was put there by Mr. Knox. He moved off and was gone some time. . . . .

James Harris, Esq: Has known the land since 1785 the land was then claimed by and owned by Mr. Samuel Knox. This was before Mr. Candlish married. . . . Heard Mr. Knox say he allowed Candlish to live on the land but did not intend to let Candlish sell it. Mr. Candlish was a storekeeper, & Mr. Knox feared some claim might come and take his land.

John Bennett- witness ....His father rented the land --2 years - of Mr. Knox and died here. Thinks this was in the year 1793. Witness & his mother lived on this land ca 7 years rented it of Mr. Knox and paid rent to him. Candlish was then absent...they stayed there until old Mr. Knox died & then went off. . .

Mr. White - the first in the Indian book is in the handwriting of Charles Miller who was an agent all his life, and this entry is to Mr. Knox Has heard his father speak of wills & was always agent . . . signing the lease to Candlish Candlish got lease in 1811 Heard his father say Wm. Pettus advised Candlish to take a lease or George Pettus would throw difficulties before him . . .

Mrs. Candlish, witness. They moved on the land and Mrs. Sutton was born there. Made 4 crops before they left it .. . don't know the terms on which Mr. C. went into possession. She knows that Mr. Candlish pd some rent --merely to please them --out of the store they moved off and did not come back to live here until Mr. Knox's death. Before they moved back James Stewart had come on and informed them her father was dead. Mr. Stewart told the family that Mr. Knox had made a will. After their return they staid 2 or 3 weeks at her mothers and then spent the summer at Mr. Stewarts. Mr. Candlish was along. Before Mr. Candlish lived on the land he knew Mr. Knox had willed him these lands for 25 years. She heard him talk of it, and said it was to Mary after that time. Mr. Candlish never pretended to set up any title to these lands except her father's will for the 25 years. They lived on this land 11 or 12 years. Got a new lease in 1811 and then sold to Jackson. Jackson gave \$2000, worth 4 or 5 thousand. Mr. C. was offered \$2500 after agreed with Jackson

Wm. Candlish. Witness and Jackson had been talking about this land being willed to his sister. Witness then asked Jackson if before the time the land was sold wh\_\_\_\_? by his father if he had told him of the way the land was willed. Jackson answered yes he told me that this land was willed to Mary Sutton, after such a length of time. Time not mentioned. This was 3 or 4 weeks ago. He said his father told him the will was worth nothing. . . . told at Jackson's own house.

Matthew West- Witness was at a corn shucking before Jackson bot the land and he was about trading for it and he John Jackson said to his brother William was about buying Candlish land. Wm. sd. John you had better let that land alone. It is doubtful you will ever get a good title for that land. John sd. I believe I'll buy it.. . . I think I can get right for it \_\_\_\_\_ in the neighborhood and always called Mary's land. Never heard of any other encumbrance.

John Bennett - His father died in 1793 from time witness mother who in \_\_\_\_\_ rented the land from Mr. Knox and paid him rent. Called Knoxes. She lived there 7 or 8 years after & pd the rent to Mr. Knox Called his land & generally known that he had willed it to Mrs. Sutton.