

Cannon

Summary of some Probate proceedings in South Carolina regarding Elijah Cannon's father Russell Cannon

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This memo tries to summarize some of the information contained in three pages that recorded proceedings in a probate court in South Carolina regarding the will of Russell Cannon (1745-1824), the father of Elijah Cannon (1796-1887), the patriarch who led his family from South Carolina to Grayson County, Texas in 1852. The pages are attached. Russell and his wife, Jean Campbell (1760-1855), were both born in South Carolina. They had several children in addition to Elijah. They also had a few slaves. These pages from probate are mostly about those slaves.

Page 1

This page memorializes proceedings in 1844 regarding 207 acres of land that apparently was still in the name of Russell, who had died twenty years earlier. The action was initiated by Elijah Cannon seeking an order from the court allowing the division or sale of the property. The court ordered that all heirs be given notice and they were ordered to appear by the first Monday of February 1845 and state their position. There is no further information on the page about what happened in 1845. There is no mention of slaves on this page. It concerns just land.

Page 2

These entries relate to action taken in 1857 regarding slaves that had belonged to Russell. From this page, we can elicit the following:

Russell died in 1824, and he left a will (the text of which is stated in Page 3). His wife Jean was then in her mid 60's. Russell bequeathed to her (his wife), among other assets, three Negroes (his term), Rose, Willis and Kate (or Cate) "for and during the term of her natural life," and he further willed that at her death the slaves should be sold and the proceeds divided among his children.

Twenty years later, in 1844, while Jean was still alive, Elijah "did wrongfully sell the slave Willis for \$525." Jean was in her upper 80's by then.

The proceeding appears to arise from the death of Jean Campbell Cannon in 1855. It was brought by one of Russell's children, Harriet Cannon Duke, who married Abraham Duke. In that proceeding, an affidavit was submitted by a neighbor of Harriet Cannon Duke named Gideon Roper. The affidavit is sometimes hard to follow. It doesn't explain the identity of some persons referred to, and it is not always clear to whom the pronouns "he" and "she" are referring to. Nevertheless, I offer here the verbatim text of the affidavit:

"I live near Mrs. Dukes. Andy a negro boy was four or five years old when he went there, which was near 8 years ago. It was worth \$40 a year to provide for and maintain him. I knew Kate. Her condition was bad. One fourth of the time she was helpless. She was taken care of and fed which was worth \$40 a year. Hannah was hired part of the time. She stayed at Mrs. Dukes one year. During this time she sick 3 months. It was worth \$2 a week to take care of her. Mrs. Jane Cannon was at Mrs. Dukes 8 years. Her condition was very bad. She was old and as helpless as a child most of the time. It was worth \$400 a year to take care of her. Mrs. Cannon was at Elijah Cannons before she went to Mrs. Dukes. Her condition at first was not so bad as afterwards. Kate the negro woman was only sick at times. The boy Andy was worth his board for the three or four last years. Kate when well would have hired for \$4 a month. Hannah was sick about three months in the year. She was when fully grown worth \$40 a year."

Page 3

This page appears to be a transcription of the will of Russell Cannon. To summarize, Russell made these bequests:

To his wife he gave two horses, ten head of cattle and all of his hogs and all remaining personal property. As for slaves, he bequeathed them – just like property - but with different conditions. "Negro Simon" was given to her "for her own proper use to dispose of as she sees proper." The three slaves, Rose, Willis and Cate were given with just a life estate – specifically, "during her natural life," and at her death to be sold and the proceeds to Russell's children.

To his daughter Harriet Cannon Duke, he gave her "Negro Ann"

The rest of his property, real estate or personal, was to be sold and the proceeds divided equally among his children.

He appointed his wife and his son Elijah to be executors.

Comments

It appears that pages 2 and 3 are about the probate dispute arising from the provision of Russell's will concerning three slaves. Maybe it dealt with how much money each of Russell's adult children should receive from the sale of the slaves. The dispute apparently arose from the provision concerning three of the slaves, Rose, Willis and Kate, but the affidavit does not mention Rose – nor is there a mention of "Negro Ann" or "Negro Simon." There is a lot we still don't know. Regardless of our ignorance of the outcome, it is interesting to see the casual style of the discussion of dealing with the slaves, which was probably representative of the attitudes at the time. There is little sense of regarding the slaves as persons. It is interesting to read of the dollar values placed on maintaining a slave, hiring a slave, and even of taking care of a very old woman.

Elijah Cannon apparently began taking care of his mother, Jean C. Cannon, after the death of her husband (Elijah's father, Russell) in 1824. She was then in her 60's and presumably no one expected her to live until her 90's. Her health declined over the years and she eventually became "helpless as a baby." The affidavit says the last eight years of her life, until she died in 1855, she was taken care of by her daughter Harriet. Of course, Elijah left South Carolina in 1852 for Texas, but we can assume that Jean Cannon lived with Elijah for 23 years -- until her late 80's. During those years, Elijah had nine children of his own. Elijah may well have "wrongfully" sold the slave Willis in 1844, but it may have been because he needed the money to care for his mother; and the slave Willis sort of belonged to him as well as his mother.

The slave belonging to Jean Cannon named Kate (or Gate) appears in another part of the records of Pickens County, S.C. It was about a court sentencing her to receive lashes. Here is the entry regarding Kate dated March 20, 1841:

"Kate, a slave of Mrs. Cannon, gave a runaway slave her victuals one time while she [the runaway slave] was lying out, and that her slave Mary said she could sleep in the Master's barn that night. She [the runaway] was a slave of Andrew Hunter. The Court sentenced Kate to have two lashes and Mary, five lashes."

South Carolina
Pickens District) To William D. Steele Ordinary of said
District. The petition of the undersigned one of the
Heirs of Russell Cannon deceased do hereby petition the
Court of Ordinary for an order to divide or sell the
real estate of said decd. lying in Pickens District on
Rices Creek adjoining lands of John Arial, James Mansel
& others containing 207 acres more or less on a credit
of twelve months from day of sale, except cost.
15th Octr. 1844

Elijah Cannon

South Carolina
Pickens District) Personally appeared before me Joseph
Young and John Arial who being duly sworn on their oath
say that the above tract of land belonging to the Heirs
of Russell Cannon decd. is not worth one thousand doll-
ars and that it is best for the parties in interest to
sell the same for distribution among the heirs. Sworn to
28 Octr 1844.
William D. Steele
O.P.D.

Jos. Young
John Ariail

Elijah Cannon applicant
vizt.

Abraham Duke in right of wife

Judy Kendrick James Cannon

Josiah Marchbanks in right of wife

Carter Cannon and Heirs of William Cannon

Defendants for sale of the real estate of Russell Cannon
deceased. And it appearing that the last named five
Legatees are without the limits of this state it is there-
fore ordered that they appear within 3 months from the
date thereof or their consent to said sale will be
taken as confessed.

Ordinarys Office 5 Nov. 1844

William D. Steele
O.P.D.

South Carolina
Pickens District) To Abraham Duke in right of his wife
devisee of Russell Cannon deceased. You are hereby re-
quired to appear at the Court of Ordinary to be holden
at Pickens Court House for Pickens District on the first
mondav in February next (1845) to shew cause if any you
can why the real estate of Russell Cannon deceased sit-
uate in said District on Rices Creek bounding on lands
of John Arial & others containing 207 Acres more or less
should not be divided or sold. Given under my hand &
seal this 5th day of November 1844. William D. Steele
..... Ordinary

ESTATE OF RUSSELL CANNON PACK 99 (EQUITY)
CLERK OF COURT'S OFFICE, PICKENS, S. C.

Abraham Duke and his wife Harriet Duke and Ranson Duke (son) sheweth that Russell Cannon decd. who at the time of his death was of that portion of Pendleton District which has since been laid off and established as Pickens District, who being the father of the said Harriet Duke, was in his life time and at the time of his death owned a certain piece or parcel and tract of land containing 300 acres, situate and lying upon both sides of Wolf Creek and now adjoining lands of William Gilstrap, Mary Haynes, Reese Bowen, G. W. Davenport & others. Russell Cannon died in or about the year 1824 leaving a will. His wife Jean Cannon has recently departed this life. His son Elijah Cannon left this state many years since. His heirs were his wife, Jean Cannon & the following children: Harriet, the wife of Abraham Duke, Ranson Cannon, Elijah Cannon, Martha Cannon who afterwards married William Brown, William Cannon, Carter Cannon, James Cannon, Margaret Marchbanks the wife of Cyrus Marchbanks and Judy or Judith Kendricks. Since Russell Cannon's death, Ranson Cannon has departed this life leaving no children but leaving a wife Malinda who has since intermarried with Joseph Dolleson. That William Cannon is also dead leaving children, Benjamin Cannon and Washington Cannon and perhaps one or more others whose names are unknown. Cyrus Marchbanks the husband of Margaret Marchbanks has also died. That Kendrick the husband of Judy or Judith Kendrick is also dead. Jean Cannon the widow of Russell Cannon is also dead. Russell Cannon bequeathed to Jean his wife 3 negroes, to-wit: Rose, Willis and Kaie for and during the term of her natural life. And at her death to be sold and divided among her children. Elijah Cannon about the year 1824 did wrongfully sell one of the said negroes a boy named Willis for \$525.00. Joseph Dolleson and his wife Malinda reside in Georgia. That Benjamin Cannon, Washington Cannon and the other heirs of William Cannon decd. reside in Mississippi. Carter Cannon resides in Texas. Margaret Marchbanks resides in Texas. James Cannon? in Mississippi. Elijah Cannon and Martha Brown in Texas. That Judy or Judith Kendrick resides without this State in parts unknown. Filed March 17, 1857.

Gideon Roper sworn sayeth, "I live near Mrs. Dukes, Andy a negro boy was four or five years old when he went there, which was near 8 years ago. It was worth \$40.00 a year to provide for and maintain him. I knew Kate her condition was bad, one fourth of her time she was helpless. She was taken care of and fed which was worth \$40 also a year. Hannah was hired part of the time. She stayed at Mrs. Dukes one year. During this time she sick 3 months. It was worth \$2 a week to take care of her. Mrs. Jane Cannon was at Mrs. Dukes 8 years, her condition was very bad. She was old and as helpless as a child most of the time. It was worth \$400 a year to take care of her. Mrs. Cannon was at Elijah Cannons before she went to Mrs. Dukes. Her condition at first was not so bad as afterwards. Kate the negro woman was only sick at times. The boy Andy was worth his board for the 3 or 4 last years. Kate when well would have hired for \$4 per month. Hannah was sick about 3 months in the year. She was when fully grown worth \$40 a year.

Mrs. Cannon died 8th March, 1855.

Abel died 23 Aug 1836 -- Fall Co. Ga. (age 77)
Judith died 28 Sept 1836 Forsyth Co. Ga.

6:10

Abel b. 14 Mar 1759, Hanover Co. Va. Pension Record RS 261 Rev. War

1776 - James Poyser Kendrick, S. C.

1830 census for Fall Co. Ga.
page 74 90 Abel 70/80 wife 60/70 (age 71, Abel)

1780-1790 Page 74 Robert Kendrick 2 0/5; 2 5/10; 1 10/15; 1 15/20
1 40/50; females, 1 0/5; 1 5/10; 1 10/15; 1 30/50
1 80/90 (her mother?)

John Kendrick - 2 5/10; 1 15/20; 1 50/60

WILL OF

RUSSELL CANNON

Wheas Russel Cannon of Pendleton District South Carolina--Being but poorely in health but of a sound mind and memory calling to mind the the certany of Death and the uncertainty of Life, have have appointed this my will and testament--revoken and disannull-en all other will or wills Before by me made This only to be my- last will and Testament--In manner and form following--first I commit my Soal to God who gave it me, and my Body to be desent-ly Buried at the discrastrion of my Executors hearafter named; all funaral charges and all other worldly debts to be paid. I gave and Bequeth to my Wife, Jean Cannon, Negro Simon for her own proper use to dispose of as she sees proper--and likewise Rose, Willis and Cate duren her natural life time, and at her diseas to be soald and Equally divided amongst my lawfull Heirs--And likewise for my Wife, Jean Cannon, to have two head of Horses, ten head of Cattle her choise of my Stock at my disease--and likewise all my stock of Hogs I sall posefs at the time of my disease, and likewise all my personable property that I have not previously disposed of to my Children (Viz) I gave and Bequeth to my Dough-ter, Harriet Duke, Negro Ann to her and the heirs of her Body forever--all my other property either real or personal not dis-posed of at my disease to be soald and equally divided amongst my Children--I constitute and appoint my Wife, Jean Cannon, and my Son, Elijah, to act and See the Accomplishment of this my last will testament according to the true intent and meaning thereof-- I Testamony wherof I have Set my hand and Seal this Tenth of July one Thousand Eigh Hunderd and twenty fore--
Signd Sealed in presence of us

James Hunter

James E Heart

his
Russel X Cannon (SEAL)
mark

Recorded in Will Book A, Page 296

Date of recording not available.

Date of proving not available.

John Harris, O.P.D.

Roll No. 97