

Eliza Curston's last will & testament

In the name of God Amen. I Eliza R Curston of the District of Lancaster in the State of (South Carolina) aforesaid being of sound and disposing mind and desirous of disposing of the worldly estate where with God has blessed me, do make this my last will and testament in manner and form following

I will and direct that my body be decently buried in the family grave yard as near as may be to the grave of my deceased husband Thomas R Curston

I will and direct that Five Hundred Dollars be appropriated out of my estate to be expended by my executor in purchasing and erecting a suitable monument over my grave and in repairing said grave yard, so much as may be necessary to be first expended in the purchase and erection of said monument, the balance in repairs on the grave yard

I hereby set apart from my estate the sum of one thousand Dollars to be invested by my executor in good Bank Stock Bonds, notes or other productive Securities, the dividends or interest on which he will collect and pay over annually to the minister for the time being of the Presbyterian Church at Lancaster Court House towards the support and maintenance of said

Item 1st

Item 2nd

Item 3rd

for the time being of the Presbyterian Church at Lancaster Court House towards the support and maintenance of said minister and in part of his salary and if there should be a vacancy in any year, then in that year to The Theological Seminary at Col.

Item 4th I will and direct that my wearing apparel and jewelry be appraised and equally divided between my two daughters M D Green & Eliza J Curiton

Item 5th I give, and bequeath my gold watch to my daughter Eliza J Curiton

Item 6th I will and direct that all my silver & plated ware be divided by appraisement among my five children. Should any one of my children desire not to receive any of said shares, let my other children take and account for the same. I do not wish any of said ware to be sold

Item 7th I will and direct that my house hold furniture be not sold but divided by appraisement among my children

Item 8th I give my negro girl Mally to my daughter M D Green

Item 9th I give to my daughter Eliza J Curiton my negro girl Georgiana & my negro woman Celia and all the children that she now has or may hereafter have

Item 10th

Item 11th

before my death Subject however to the conditions and limitations herein after expressed.

I give my negro George & Lee to my son John S Curston

I will and bequeath my servant girl Mary Pickett to my two daughters M V Green & Eliza J Curston said girl on my death to go into the possession of M V Green and remain with her until the marriage of Eliza J Curston when she will go into the possession ^{said} of Eliza J Curston and there remain until her death. Should M V Green die before E J Curston marries, on her death said E J Curston will take possession of said girl and keep her until her death. Should E J Curston marry and die before M V Green said girl is to go into the possession of M V Green and remain with her until her death on the death of the survivor of my said daughters if said Mary Pickett is then alive she is to belong to my three surviving children

Item 12th

I will and direct that my executor have all my Slaves except Mary Pickett appraised and divided as nearly as may be into five equal lots taking care however to keep families together as far as possible and in all cases allowing the two or three youngest children with the mother when said appraisement is made the appraisers will assign one of said lots of negroes and in which shall be included the above named negro girl Molly to my daughter M V

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families together as far as possible and in all cases allow-
ing the two or three youngest children with the mother
when said appraisment is made the appraisers will apign
one of said lots of negroes and in which shall be included
the above named negro girl Molly to my daughter M V
Green. One lot in which shall be included above named
negro Georgeanna Celea and her issue to my daug-
hter Eliza J Curston. One lot in which shall be included
the above named negroes Lee and George to my son John
S Curston. One lot to my son James S Curston, and
One lot to my son J K Curston and said negroes so
allotted I give to my said children in manners as
aforesaid and subject to the conditions hereunto expressed

Item 13

I will and direct that my tract of land known
as the home and acre tracts be divided into two
parcels as follows viz By a line to run from a
point on John Doy's line near his Spring branch and
near an old road leading to the Methodist Church
at trail and direct to a point on Martin Crawford's
line and about $\frac{1}{4}$ of a mile above his negro houses
the course of said line I suppose will be about South
east but my executor will cause said line to be run
and when so run it is to be held the true line
between said parcels of land, and I hereby direct

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that each of said parcels of land be appraised, and I give and devise all of the said lands on that side of said line whereon my houses and in which I R Ewerton formally resided are situated to my son James B Ewerton to have and to hold on the terms and conditions here in after set forth & expressed, and I give and devise the other parcel of my said lands being a part of my worn tract remaining after aforesaid line is run to my son John Ewerton and my daughter Eliza J Ewerton to have and to hold on the conditions & terms here in after set forth

Item 14th

I will and direct that my executor sell all the balance of my property both real and personal and that out of the sales and monies due and owing to me he pay my funeral charges & expenses of administration of my estate and all debts that I may owe out of said monies and sales my executor will also raise the sum of five hundred dollars and one ^{thous} thousand dollars mentioned in the second and third items of my will

Item 15

Should it be that the funds provided as above for the payment of my debts and said legacies charges and expenses is insufficient then my executor is directed not to make at the end of the year in which I may die the divisions of my lands and negroes among my children as here in before provided for but to continue the negroes on the lands and to make a crop until he shall have raised a sufficient sum for the payment of said debts expenses and legacies and I charge it earnestly upon my executor that he do not make

my children as herein before provided for but to continue the ne-
gros on the lands and to make a crop until he shall have raised a
sufficient sum for the payment of said debts expenses and legacies
And I Charge it earnestly upon my executor that he do not make
nor consent to said division of my property until he is fully
and entirely satisfied that enough of my property will remain
in his hands for the discharge of all liabilities and demands
against my estate

Item 16 Should any surplus remain after the payment of debts and
legacies as above provided for, I give the same and all the
rest residue and remainders of my estate to my five children
to be equally divided between them

Item 17 Should any of the children herein named die before
me I will that his or her share of my estate herein given
go to any issue such child may have living at my death

Item 18 All the property devised and bequeathed to my children
in the sixteenth seventeenth & eighteenth, and ninth tenth twelfth
thirteenth & sixteenth clauses of this my will shall be ac-
counted for by them at the appraised value thereof and in
the way herein before stated so that such child shall have
an equal share of said property. And if the property
allotted and apportioned shall not be of the same value, equality
is to be produced by the payment of money to and by the
respective legatee

Item 19

The property allotted and assigned to my Children as already stated is to be appraised and allotted by five discreet and judicious men selected by the ordinary of Lancaster District and I request the Ordinary to make such appointment

Item 20

All the property real and personal that in this my will is given devised and bequeathed to my son James C. Curston I hereby will and declare to be given to him on the following terms and subject to the following conditions & limitations (viz) That said James C. Curston is to stand seized and possessed of said property for and during the term of his natural life for his support and maintenance and at his death said property is to be divided among his issue then alive and in default of issue then living among the brothers and sisters of said James C. Curston the child or children of a deceased brother or sister if any to take the share of his or her parent would have taken if alive

Item 21

I hereby declare that all the property both real and personal in this my will devised and bequeathed to my daughter Eliza J. Curston is given to her on the following terms and limitations viz That my said daughter is to have and to hold said property during her natural life for her use while she remains

Item 22

personal in this my will devised and bequeathed
to my daughter Eliza J Curton is given to her on the
following terms and limitations viz That my
said daughter is to have and to hold said property
during her natural life for her use while she remains
single and unmarried and for her sole and separate
use should she here after marry during her coverture
the same not to be subject to the contracts debts or lia-
bilities of her husband and at her death said property
to be divided among her issue then living and in
default of such issue among her brothers and
sisters the child or children of a deceased brother
or sister to take the share his or her parent would
have taken if alive

Item 22

For the purpose of protecting and preserving the
Contingent remainder in the lands herein before
devised for the benefit of James C Curton and
Eliza J Curton I hereby declare my executor the
trustee to hold said lands during the respective
lives of said James C Curton and Eliza J
Curton and at their respective deaths to
convey the said lands to the persons entitled to
the same under the provisions of my will as herein
before stated

Item 23

I hereby appoint my son Thomas R Curston the executor of
this my last will and testament and revoke all former wills
by me heretofore made

In witness whereof I have hereunto set my hand and seal
This the 2nd day of May in the year of our Lord One Thousand
eight hundred and sixty one

The foregoing instrument of writing contained in twenty three
Items on two sheets of paper signed sealed and declared by
Eliza R Curston as her last will and testament in the presence
of us who in her presence and of each other signed over.

names as witnesses thereto

James Crockett

W B Williams

E W Williams

Eliza R Curston

South Carolina
Lancaster District
District do hereby certify that this is a true copy of Mrs
Eliza R Curston's will now on file in my office

April 9th 1862

P. J. Hammond
C. L. D.

South Carolina
Lancaster County
of probate for Lancaster County certify that the foregoing

C. L. D.

South Carolina
Lancaster County D. A. Williams Judge of the Court
of Probate for Lancaster County Certify that the foregoing
is a correct copy of ~~the~~ certain paper and certificate purport-
ing to be a true copy from the original will of Mrs Eliza
R Curston deceased, now on file in my Office
Given under my hand & seal, this third day of November
AD 1868 D. A. Williams J. P. S. C.

State of North Carolina
Union County The foregoing writing purporting
to be a copy of the last will and testament of Eliza R Curston
decd was exhibited before me as a genuine copy of the orig-
inal will and it appearing that Thos R Curston the
executor therein appointed had duly qualified in the
County of Lancaster South Carolina and that all the
said proceedings were regular it is adjudged that said
foregoing copy does contain the last will and testament
of said Eliza R Curston decd. Therefore the said Thos R
Curston is duly qualified as Executor of said will
in this State and letter testamentary issued, and it
is ordered that the said copy (Certified) be recorded as
the will of Eliza R Curston decd. G W Howe J. H. C.