

18. L^s South Carolina. In the name of God Amen. I Agnes Smith of the City of Charleston,
N^o 36 in the State of South Carolina aforesaid Widow being in good health of body and of sound and dis-
posing Memory and Mind do make, publish and declare this my last Will and Testament
in manner and form following, that is to say. Imprimis, I will and direct my funeral ex-
pences and just debts to be paid as soon as may be convenient after my death. Item I
give and bequeath to the First Presbyterian Church of the City of Charleston four hundred
dollars and to the Ladies Benevolent Society of Charleston One hundred Dollars. Item I give
and bequeath unto my sister Marian Stewart the Widow of John Stewart of Paisley
Scotland the sum of one hundred pounds Sterling and unto each of my two nieces Mar-
garet Stewart and Jane Stewart the sum of two hundred pounds Sterling a piece, to be
remitted in cash free of expence to my said sister and nieces. Item, I will and direct
my books, pictures, grates, curtains, carpets, looking glasses, glass and China Ware, beds and
bedding, household and kitchen furniture, not herein after specifically bequeathed to be
sold for the payment of my debts, pecuniary legacies and funeral expences. Item, I give
and bequeath to my dear niece Agnes Stewart, who has so long lived with me and perform-
ed to me the duties of a kind and affectionate daughter my Eighty seven Shares in the
Union Bank, Twenty eight Shares in the Union Insurance Company, Ten Shares in the
Bank of the United States, my negro woman Katy and her son Edward William and
James, with her future issue and increase, my negro girl Patty with her future issue
and increase, my gold watch and trinket, my new silver plate upon which my name
is not engraved, consisting of Coffee pot, Tea pot, Milk pot, Sugar bowl, two dozen tea-
spoons and sugar tongs, and all the furniture, beds and bedding in the room occupied
by her. Item, I give and bequeath to my ^{Dear} daughter in law Eliza Smith Widow of my de-
ceased son Hugh Smith, my negro man John. Item, I give and bequeath not

Sold for the payment of my debts, pecuniary legacies and funeral expences. Item, I give and bequeath to my dear niece Agnes Stewart, who has so long lived with me and performed to me the duties of a kind and affectionate daughter my Eighty seven Shares in the Union Bank, Twenty eight Shares in the Union Insurance Company, Ten Shares in the Bank of the United States, my negro woman Katy and her sons Edward William and James, with her future issue and increase, my negro girl Patty with her future issue and increase, my gold watch and trinket, my new silver plate upon which my name is not engraved, consisting of Coffee pot, Tea pot, milk pot, sugar bowl, two dozen tea spoons and sugar tongs, and all the furniture, beds and bedding in the rooms occupied by her. Item, I give and bequeath to my ^{Dear} daughter in law Eliza Smith Widow of my deceased son Hugh Smith, my negro man John. Item, I give and bequeath unto my grand daughter Agnes Smith former my negro woman Harriet with her three children Agnes Rosina and Katharine and their future issue and increase and all my silver plate upon which my name is engraved. Item, I give and bequeath unto my Grand daughter Charlotte Smith my negro woman Nancy and Mary with their future issue and increase. Item, I give and bequeath unto my grandson John Smith my negro man Pitt and my colored boy Sam. Item, I give and bequeath unto my grandson Hugh Smith my negro man Hugh and Henry. Item, I give devise and bequeath my sixty four Shares in the Bank of South Carolina, fifty three Shares in the Planters and Mechanics Bank, twenty four Shares in the Bank of America in New York, my Lot of land and dwelling house number fifteen Broad Street and all the rest residue and remainder of my estate, real and personal whatsoever and whosoever unto

my Executors and Executrices herein after named, and the survivors or survivor of them, and the heirs and assigns of such survivor or survivors of them or of such of them as qualify and act under this Will, I do trust now the life and to and for the several uses, intents and purposes herein after expressed and declared of and concerning the same, that is to say, I do trust to receive, take, apply and appropriate the rents, issues, income and profits arising from all the said Estate, real and personal in this clause devised and bequeathed and of, all the said rent and residue of my Estate real and personal in such a manner and in such proportions and amounts as my Executors and Executrices as aforesaid may in their discretion think proper, to and towards maintaining clothing and educating the children of my dear son Hugh Smith deceased, until they the said children respectively attain the full age of twenty one years and when the youngest living child of my said son Hugh Smith deceased shall have attained the full age of twenty one years, then all the said Estate in this clause devised and bequeathed and all the rent residue and remainder of my Estate real and personal whatsoever and wheresoever, I do trust to and for the issue of my dear son Hugh Smith deceased, if one then to that one, his or his heirs and assigns forever, and if more than one then, to them, their heirs and assigns to be equally divided among them, share and share alike as tenants in common, freed from and discharged from all further and other trusts, and should any or either of the children of my said deceased son die before the youngest of the said children attain the full age of twenty one years as aforesaid leaving lawfully begotten issue living at the time that the youngest of such children attain the full age of twenty one years as aforesaid, then such lawfully begotten issue of such children so dying, shall have and take such part or parts of the said Estate in this clause devised and bequeathed as the parent or parents, if living would have taken and received to him, her or them, his, her, or their heirs and assigns forever and should

any child or children of my said deceased son, die before attaining the full age of twenty one years, and without leaving lawfully begotten issue, living at the time of his, her or their death, or should such lawfully begotten issue die before the youngest child of my said son shall have attained the full age of twenty one years, then the share or shares of such child or children so dying, whether specifically given or otherwise accruing under this Will shall go to the survivor or survivors and the lawful issue of such child or children as may have previously died, leaving lawfully begotten issue living at his, her or their death and until the said youngest child attain the full age of twenty one years as aforesaid, the issue of any deceased child or children of my said son taking and receiving only what the parent or parents if ~~living~~ & alive would have taken and received to him, her or them, his, her or their heirs and assigns forever. And should my said grand children all die before the youngest shall have attained the age of twenty one years without leaving any lawfully issue, then living, from and after the death of all and every of my said grand children and of their lawful issue before the youngest shall have attained the age of twenty one years as aforesaid I will order and direct all and singular the Estate real and personal in this clause devised and bequeathed, to be sold at public or at private sale, and the proceeds thereof turned into cash by my Executors and Executrices hereinafter named or such of them as qualify and act under this Will or the survivor or survivors of them or by any person or persons who may administer on this Will, and the whole amount of the said proceeds in cash of the sale of the said real, residue and remainder and Estate real and personal in this clause devised and bequeathed, equally divided share and share alike between and among my dear nieces Margaret, Jane and Agnes Stewart, the three daughters of my sister Marian Stewart before mentioned, to them, their Executors, administrators and assigns forever. Lastly - I do hereby constitute nominate and appoint my friends Charles Keddell and Aaron Willington Executors ~~and~~ and my friend

shall have attained the full age of twenty one years, then the Share or Shares of such child or children so dying, whether specifically given or otherwise accruing under this Will shall go to the survivor or survivors and the lawful issue of such child or children as may have previously died, leaving lawfully begotten issue living at his, her or their death and until the said youngest child attain the full age of twenty one years as aforesaid, the issue of any deceased child or children of my said son taking and receiving only what the parent or parents if living & alive would have taken and received to him, her or them, his, her or their heirs and assigns forever. And should my said grand children all die before the youngest shall have attained the age of twenty one years without leaving any lawfully issue, then living, from and after the death of all and every of my said grand children and of their lawful issue before the youngest shall have attained the age of twenty one years as aforesaid I will order and direct all and singular the Estate real and personal in this clause devised and bequeathed, to be sold at public or at private sale, and the proceeds thereof turned into cash by my Executors and Executrices hereinafter named or such of them as qualify and act under this Will or the survivor or survivors of them or by any person or persons who may administer on this Will, and the whole amount of the said proceeds in cash of the sale of the said real, residue and remainder and Estate real and personal in this clause devised and bequeathed, equally divided share and share alike between and among my dear nieces Margaret, Jane and Agnes Stewart, the three daughters of my sister Marian Stewart before mentioned, to them, their Executors, administrators and assigns forever. Lastly - I do hereby constitute nominate and appoint my friends Charles Kiddell and Aaron Willington Executors and my Daughter in law Elizabeth

So long as she shall remain the Widow of my deceased Son Hugh Smith and no longer
Executor of this my Estate last Will and Testament, and the said Executors and Execu-
trix jointly and severally Trustees and so far as my Will can avail Guardians of my
Grand Children and their issue under this Will; and upon the death or intermar-
riage of the said Eliza Smith and not before, I nominate constitute and appoint my
said Niece Agnes Stewart Executor Trustee and Guardian in the place and stead
of my said daughter in law Eliza Smith. With full power and authority in my said
Executors and Executrix for the times being, or such of them as shall qualify and act
under this Will, And the survivors and survivors of them from time to time and at all
times, when and as often as may be thought proper until a final division of my Es-
tate to sell and dispose of at public or private sale for cash or on a credit as may be
thought advisable all or any part or parts of the said Estate real and personal in
the next preceding clause devised and bequeathed and the proceeds thereof again
to invest and sell and reinvest in such way and manner as may be thought most
beneficial, subject always nevertheless and to and for the same uses, intents and pur-
poses herein before expressed and declared of and concerning the said Estate real and personal
in the next preceding clause devised and bequeathed, And I do hereby ~~make~~ revoke
and annul all former and other Wills by me heretofore made and I ratify and confirm
this and none other to be my last Will and Testament. In Witness, whereof I have here-
unto set my hand and seal this Thirteenth day of May in the year of our Lord one
thousand Eight hundred and twenty six and of the Sovereignty and Independence
of the United States of America the fiftieth.

Agnes Smith L.S.

Signed Sealed published and declared by Agnes Smith the above named Tes-
tatrix as and for her last Will and Testament in the presence of us, who in her presence

and at her request and in the presence of each other have herunto subscribed our names as Witnesses

Wm Birnie

Saml McCartney

Thos Martin Junr

N.B. The ten United States Bank Shares, inserted page No 2 (two) is to be inserted in page No 1 (one) and given to my niece Agnes Stewart before the execution of this Will.

Agnes Smith

By way of Codicil to the within Will, I give and bequeath as follows: To my niece Agnes Stewart, in addition to the Eighty seven Shares already bequeathed to her Eighteen other Shares in the said Union Bank, so that the whole number of Union Bank Shares bequeathed to her by the within will and this codicil shall be one hundred and five. I revoke the bequest of my gold watch and fob to my said niece, Agnes Stewart; and give and bequeath the same to my Grand daughter Agnes Smith, in lieu of the Plate mentioned in the bequest to her, but which Plate has been stolen since the date of my Will. In addition to the Fifty three Shares in the Planters & Mechanics mentioned in the residuary clause, I bequeath to my Executors & Executrix Fifty six other Shares in the said Planters & Mechanics Bank, so that the whole number shall be one hundred and nine Shares. And in the stead of the Twenty four Shares in the Bank of America at New York (hereby revoked) I bequeath to said Executors & Executrix, Thirty Shares in the Bank of the United States. These bequests are subject to the limitations already set forth in my Will. In the place of my friend Mr Charles Kiddell as Executor, I ^{sub}stitute my friend Mr Alexander Gordon, as my Executor. The above are all the alterations and additions intended to be made in my within Will, which in every other respect is hereby declared to remain in full force.

Witness my hand and seal this twelfth day of July in the year 182

Exam
J.L.

182
No 3,

N.B. The ten United States Bank Shares, inserted page No 2 (two) is to be inserted on page No 1 (one) and given to my niece Agnes Stewart before the execution of this Will.

Agnes Smith

By way of Codicil to the within Will, I give and bequeath as follows: To my niece Agnes Stewart, in addition to the Eighty seven Shares already bequeathed to her Eighteen other Shares in the said Union Bank, so that the whole number of Union Bank Shares bequeathed to her by the within will and this codicil shall be one hundred and five. I revoke the bequest of my gold watch and trinkets to my said niece, Agnes Stewart; and give and bequeath the same to my Grand daughter Agnes Smith, in lieu of the Plate mentioned in the bequest to her, but which Plate has been stolen since the date of my Will. In addition to the Fifty three Shares in the Planters & Mechanics mentioned in the residuary clause, I bequeath to my Executors & Executrix Fifty six other Shares in the said Planters & Mechanics Bank, so that the whole number shall be one hundred and nine Shares. And in the stead of the Twenty four Shares in the Bank of America at New York (hereby revoked) I bequeath to said Executors & Executrix, Thirty Shares in the Bank of the United States. These bequests are subject to the limitations already set forth in my Will. In the place of my friend Mr Charles Kiddell as Executor, I ^{sub}stitute my friend Mr Alexander Gordon, as Executor. The above are all the alterations and additions intended to be made in my within Will, which in every other respect is hereby declared to remain in full force. Witness my hand and seal this twelfth day of July in the year of our

182
No 3,

Lord one thousand Eight hundred and Thirty Four

Signed sealed published and declared by Agnes Smith in her last Will
within last Will, in our presence, who in her presence and at her request and in the presence
of each other, have signed our names as witnesses thereto.

John C Walker Alexander Walker George Buist

State of South Carolina Charleston District. I Agnes Smith Widow of Charleston
in the State aforesaid, do make this codicil to be taken as part of my last Will and Testament
that is to day, whereas I have by my last Will given to the First Presbyterian Church in the City
of Charleston in the State as aforesaid, the sum of Four Hundred Dollars, I do hereby re-
voke, ^{and make void} the said Legacy to the said First Presbyterian Church and do hereby bequeath the sum
of One hundred dollars to the said First Presbyterian church, in the place of the said sum
mentioned and contained in my last Will and Testament. I do further and in addi-
tion to my said Will give and bequeath unto the Reverend John Forrest Pastor of the
First Presbyterian Church, the sum of One hundred Dollars. In Witness whereof I have
to this Codicil put my hand and seal this Twenty ninth day of January in the Year of our
Lord One thousand Eight hundred and Thirty Four. This Codicil to be annexed to
my Will and to be taken as part thereof.

Agnes Smith 53

Signed sealed published and declared as the Codicil to the last Will and tes-
tament of Agnes Smith Widow in the presence of us, who in the presence of the said Ag-
nes Smith, and in the presence of each other have Witnessed the same.

Thomas Martin Isaac H. Ogier Susan M Jenkins

Proved before Thomas Leake Junr O.C.T.D on the fifteenth day of February 1834 and

of each other, have signed our names as witnesses thereto.

John C Walker

Alexander Walker

George Buist

State of South Carolina Charleston District. I Agnes Smith Widow of Charleston in the State aforesaid, do make this codicil to be taken as part of my last Will and Testament that is to say, whereas I have by my last Will given to the First Presbyterian Church in the City of Charleston in the State as aforesaid, the Sum of Four Hundred Dollars, I do hereby ^{and make void} ~~revoke~~ the said Legacy to the said First Presbyterian Church and do hereby bequeath the Sum of One hundred dollars to the said First Presbyterian Church, in the place of the said Sum mentioned and contained in my last Will and Testament. I do further and in addition to my said Will give and bequeath unto the Reverend John Forrest Pastor of the First Presbyterian Church, the Sum of One hundred Dollars. In Witness whereof I have to this Codicil put my hand and seal this Twenty Ninth day of January in the Year of our Lord One thousand Eight hundred and Thirty Four. This Codicil to be annexed to my Will and to be taken as part thereof.

Agnes Smith 53

Signed sealed published and declared as the Codicil to the last Will and Testament of Agnes Smith Widow in the presence of us, who in the presence of the said Agnes Smith, and in the presence of each other have witnessed the same.

Thomas Martin

S Jane H. Ogier

Susan McJenkins

Proved before Thomas Lebre Just C.C.J.D. on the fifteenth day of February 1834 and the eighteenth day of February 1834 Qualified Eliza Smith Executor and Alexander Gordon Executor.

Exam
J.L.

18 L^s

no 37

The State of South Carolina. In the Name of God Amen. I Herman Friedrich Buist