

18. S.

N. 48

The State of South Carolina. In the Name of God Amen! I, Mary Miller of the City of Charleston State aforesaid, widow, being of sound mind and having regard to the uncertainty of life do make this my last Will and Testament as follows, that is to say: In the first place, I give and bequeath to my daughter Jane Miller, her Executors and administrators for her absolute use two negro Slaves named Jubel and Hannah, together with their future issue and increase. I also give and bequeath to my said daughter Jane Miller for her own absolute use and benefit all my household furniture, plate, jewels, linen, china, books and other household goods and furniture that may be in and about my dwelling house number fifty two - (N^o 52) Anson Street City of Charleston, at the time of my decease save and except all such books and papers as shall be necessary for settling or elucidating my affairs or concerns; it being my will and desire and I do hereby direct that such of the said books and papers shall be delivered for that purpose to my Executors herein after mentioned. I also give and bequeath to my said daughter Jane Miller the sum of One thousand dollars of lawful money of the United States which I direct shall be paid to her within _____ after my decease, and I charge the residue of my Estate with the payment thereof. And I do hereby declare that the bequests hereby made to my said daughter Jane Miller are so made and intended for her own sole and separate use benefit and behoof disposal, and that the same or any part thereof shall in no wise be subject to the control, debts, engagements or incumbrances of any husband of her my said daughter Jane Miller, and that her receipts notwithstanding her future coverture shall be sufficient discharges for the same. And I hereby give and bequeath to my son John B. Miller _____

and intended for her own sole and separate use benefit and
beneficial disposal, and that the same or any part thereof shall in no wise be
subject to the control, debts, engagements or incumbrances of any husband
of her my said daughter Jane Miller, and that her receipts notwithstanding
her future coventures shall be sufficient discharges for the same. And
I hereby give and bequeath to my son Charles E. Miller, his Executor and
administrators for his absolute use two negro Slaves named Frank and
Thomas, and I hereby give and bequeath to my Grand daughter Sarah
Ann Cunningham, her Executor and administrators, for her absolute use
one negro Slave named Nancy together with her future issue and increase.
And as to, for, and concerning all the rest, residue and remainder of my Es-
tate and effects whatsoever and wheresoever, and of what nature, kind or qua-
lity, soever the same may be, both real and personal, which I shall be seized or
possessed of, interested in, or in any manner entitled unto, in possession, reversion
remainder or expectancy at the time of my decease (and not herein before by me
otherwise disposed of) I give, devise and bequeath the same unto my said son
Charles E. Miller, and my sons in law Richard Cunningham and Dr Alex-
ander Teaser their heirs, Executors administrators and assigns according to the
nature and quality thereof, upon trust, that they the said Charles E. Miller
or the heirs, executors administrators of such survivor, do and shall sell and con-
vert the same, either by public sale, or private contract, and convert the same into
money as soon as convenient may be, after my decease, and do, and shall with

all convenient speed, collect, get in and receive such parts thereof, as shall consist
of money or securities for money, and do and shall stand and be possessed there-
of, subject to the legacy hereby given, and all my just debts, funeral and other
expenses, upon such trusts, and to and for such, and the same intents and pur-
poses as are hereinafter expressed and declared, of, and concerning the same,
that is to say, Upon trust, that they the said trustees do and shall pay or
transfer one fourth part thereof unto such person and persons and for such
purpose as my daughter Mary Fraser the wife of Dr. Alexander Fraser by any writing or writings
under her hand and seal, attested by two or more credible witnesses shall direct and in the
default of such direction, do and shall pay or transfer the same unto the ^{proper} hands of my said
daughter Mary Fraser for her sole and separate use and benefit, exclusively of the
present or any future husband, who shall not intermeddle therewith, nor shall the
same or any part thereof, be subject or liable to the power, control, debts or engage-
ments of any such husband, and her receipts alone shall be a sufficient discharge
for the same, notwithstanding any covenant she may be under; and do and shall
pay or transfer one or other fourth part thereof unto such person, or persons and for such
purposes as my daughter Ann Cunningham, wife of Richard Cunningham by
any writing or writings under her hand and seal attested by two or more cre-
ditable witnesses shall direct and in default of such direction do and shall pay
or transfer the same unto the proper hands of my said daughter Ann Cunning-
ham for her sole and separate use and benefit, exclusively of the present or
any future husband, who shall not intermeddle therewith, nor shall the same
or any part thereof be subject or liable to the power, control, debts or engagements
of any such husband; and her receipts alone shall be a sufficient discharge for the
same, notwithstanding any covenant she may be under.

or transfer one other fourth part thereof unto my daughter Jane Miller for her sole and separate use and benefit exclusively of any husband with whom she may intermarry and so as the same shall not be subject ^{to} or liable to the power, control, debts or engagements of any such husband, and her receipt alone shall be a sufficient discharge for the same, notwithstanding any covenant she may be under; And do and shall ^{pay} or transfer the remaining fourth part thereof unto my son Charles E Miller for his own use and benefit absolutely.

Provided nevertheless and my Will is, and I do hereby declare, that in case any of them my said son, and daughter shall depart this life, before my death shall happen, leaving any child or children, him, her or them surviving, who shall be then living, then, and in such case, the child or children of such of them my said son and daughter so dying, shall thereupon become entitled to such part or share of the said residue of my estate, as the parent or parents of such child or children respectively, would have been entitled to receive under, or by virtue of the trusts aforesaid in case he or she had been then living. And my Will also is, and I do direct, that in case any or either of them my said son and daughter, shall be dead at the time of my decease without leaving any such child or children, him, her or them surviving, who shall be then living, that then and in such case, the part or share and parts or shares of him, her or them so dying shall go, accrue and belong unto the survivors or survivor and others or others of them my said son and daughter, and shall be equally divided between or amongst them if more than one, share and share alike, and if but one, then, the whole of the said residue to such one survivor for his, or her own use and benefit absolutely.

subject to the control, debt, engagements or incumbrances of the husbands of any or either of my said daughters. I do hereby make, ordain, constitute and appoint the said Charles E. Miller, Richard Birmingham and Foster Alexander Traver Executors of this my last Will and Testament, free by revoking all former wills by me at any time heretofore made, and do declare this to be my last will and Testament.

In Witness whereof I the said Mary Miller widow have to this my last will and testament, contained in this and the four preceding sheets set my hand and seal (to wit) my hand to the bottom of each of the said four sheets and my hand and seal to this last sheet and my seal at the top of the said sheets, when all the said sheets are fixed together, this thirtieth day of May in the year of our Lord one thousand eight hundred and thirty one.

Mary Miller /L.S./

The writing contained in this and the four preceding sheets was signed and sealed by the above named Mary Miller and by her published and declared as and for her last will and testament, in the presence of us who have hereto subscribed our names in her presence and in the presence of each other

Ja: Mathews Rob^t B. Gilchrist George Robertson

Proved before Thomas Leake Jun^r C. C. J. D. on the Third day February 1835, at the same time qualified Charles E. Miller Executor.

The State of South Carolina

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I

The State of South Carolina. Whereas I Mary Miller of the City of Charleston State aforesaid, widow, have by my last will and testament in writing duly executed, bearing date the thirtieth day of May in the year of our Lord one thousand eight hundred and thirty one, given and bequeathed to my daughter Jane, now the wife of Henry M. Keyle for her own absolute use and benefit, all my household furniture, plate, jewels, linen, china, books and other household goods and furniture, that may be in and about my dwelling house number fifty two (52) Anson Street City of Charleston at the time of my decease, save and except all such books and papers as shall be necessary for settling or elucidating my affairs or concerns: and have also given and bequeathed to my said daughter Jane, the sum of one thousand dollars of lawful money of the United States, which I directed should be paid to her within after my decease, charging the residue of my Estate with the payment thereof. Now I the said Mary Miller being desirous of altering my said Will in respect to the said legacies, do therefore make this present writing, which I will and direct to be annexed as a codicil to my said Will and taken as part thereof; and I do hereby revoke the aforesaid legacies by my said will given to my daughter Jane as aforesaid, and I do give, and bequeath, unto my son Charles E. Miller, and my sons in law Richard Cunningham and Dr. Alexander Fraser, Executors appointed by my said Will, their Executors, administrators, and assigns, the sum of two thousand dollars, upon trust, that they the said Executors ^{and} do, shall pay the same unto such person, or persons, and for such purposes as my daughter Ann Cunningham wife of Richard Cunningham by any writing or writings under her hand and seal bearing date the

of our Lord one thousand eight hundred and thirty one, given and be-
queathed to my daughter Jane, now the wife of Henry M. Keyle for her
own absolute use and benefit, all my household furniture, plate, jewels
linen, china, books and other household goods and furniture, that may
be in and about my dwelling house number fifty two (52) Anson Street
City of Charleston at the time of my decease, save and except all such books
and papers as shall be necessary for settling or elucidating my affairs
or concerns: and have also given and bequeathed to my said daughter
Jane, the sum of one thousand dollars of lawful money of the United
States, which I directed should be paid to her within after
my decease, charging the residue of my Estate with the payment thereof. Now I the
said Mary Miller being desirous of altering my said Will in respect to the said be-
gacies, do therefore make this present writing, which I will and direct to be
annexed as a codicil to my said Will and taken as part thereof; and I do
hereby revoke the aforesaid legacies by my said will given to my daughter Jane
as aforesaid, and I do give, and bequeath, unto my son Charles E. Miller, and my
sons in law Richard Cunningham and Dr. Alexander Fraser, Executors appointed
by my said Will, their Executors, administrators, and assigns, the sum of
two thousand dollars, upon trust, that they the said Executors ^{and} shall
pay the same unto such person, or persons, and for such purposes as my daugh-
ter Ann Cunningham wife of Richard Cunningham by any writing or writ-
ings under her hand and seal attested by two or more credible witnesses

shall direct, and in default of such direction do and shall pay the same into the proper hands of my said daughter Mrs Birmingham, for her sole and separate use and benefit, exclusively of the present, or any future husband, who shall not interfere therewith, nor shall the same or any part thereof be subject or liable to the power, control, debts, or engagements of any such husband, and her receipts alone shall be a sufficient discharge for the same, notwithstanding any coverture she may be under. And I do hereby ratify and confirm my said will in every thing, except where the same is hereby revoked and altered as aforesaid. In witness whereof I the said Mary Mellen have to this codicil contained in this and the preceding sheet set my hand and seal (to wit) my hand to the bottom of the preceding sheet, and my hand and seal to this last sheet and my seal at the top of the said sheets where they are joined together, this twenty second day of November in the year of our Lord One thousand eight hundred and thirty four.

Mary Mellen /L.S./

The writing contained in this and the preceding sheet was signed sealed and published by the said Mary Mellen as and for a codicil to be added to, and be considered as part of her last will and Testament in the presence of us, who have subscribed our names, in her presence and in the presence of each other

John D. Legare Wm Tennent A O Andrews

Proved before Thomas Lebre Junr O, C, J, D on the third day of February 1835 and at the same time qualified Charles E Miller Executor.