

Box 2
No 17

This is the last Will and Testament of me Patrick Duncan late of Charleston South Carolina in North America but now residing at No 1 John Street Berkley Square in the County of Middlesex in England Esquire. I give and bequeath all my Monies Securities for money goods Chattels and personal Estate whatsoever situate or being in the United States of America belonging to or held in trust for me or over which I have any power of disposition (except my Shares in the Stock of the Bank of the United States and my Shares in the Stock of the Planters and Mechanics Bank in Charleston aforesaid) unto John Fraser of Charleston aforesaid Merchant, James Adger of Charleston aforesaid Merchant and Joseph Johnson late President of the said Bank of the United States at Charleston aforesaid their executors and Administrators Upon trust that they the said John Fraser, James Adger, and Joseph Johnson or the survivors or survivor of them or the executors or administrators of such survivor do and shall with all convenient speed after my decease collect and get in my said personal Estate in the United States of America (except as aforesaid) and sell and dispose of and convert such part thereof as shall not consist of Money Bills or produce remittable with advantage to England into monies bills or produce remittable as aforesaid as to them the said John Fraser James Adger and Joseph Johnson or the survivors or survivor of them or the executors or administrators of such survivor shall seem most to the advantage of my Estate And upon trust that the said John Fraser James Adger and Joseph Johnson or the survivors or survivor of them or the executors or administrators of

Upon trust that they the said John Fraser, James Adger, and Joseph
Johnson or the survivors or survivor of them or the executors or adminis-
trators of such survivor do and shall with all convenient speed after
my decease collect and get in my said personal Estate in the United States
of America (except as aforesaid) and sell and dispose of and convert such
part thereof as shall not consist of Money Bills or produce remittable with
advantage to England into money bills or produce remittable as aforesaid as
to them the said John Fraser James Adger and Joseph Johnson or the
survivors or survivor of them or the executors or administrators of such
survivor shall seem most to the advantage of my Estate And upon
trust that the said John Fraser James Adger and Joseph Johnson or
the survivors or survivor of them or the executors or administrators of
such survivor do and shall stand and be possessed of and intitled
in the said money Bills produce and personal Estate upon trust in
the first place to pay thereout all my just debts (if any) in the said
United States of America and the expences of forming and my Will in the said
United States if it shall be necessary so to do And in the next place to
retain or pay to themselves the said John Fraser James Adger and Joseph
Johnson or to such of them as shall act in the execution of this my Will
in the said United States the sum of five hundred dollars a piece for
their trouble and attention therein in addition to such Commission
as is given or allowed to Executors by the Laws of the State of South Carolina
aforesaid And upon further trust that they the said

Trasor James Adger and Joseph Johnson or the survivors or survivor of
them or the executors or Administrators of such survivor do and shall
forthwith from time to time remit and transmit all the rest and residue
of my said trust monies Bill and Produce aforesaid unto my executors in
England hereinafter named to be held and applied by them upon the trusts
and for the ends intents and purposes hereinafter expressed concerning
the same I Give And Bequeath all my money securities for money
Stocks funds and personal Estate whatsoever situate and being in Great
Britain or elsewhere out of the said United States of which I shall
be possessed or over which I shall have any disposing power at the
time of my decease And Also all my said Shares in the Stock of the
said Bank of the United States and in the Stock of the said Planters
and Mechanics Bank of Charleston aforesaid and also the monies Bill
and produce to be remitted and transmitted to England by the said John
Trasor James Adger and Joseph Johnson as aforesaid unto James Scott
Smith and George Smith both of Whitechapel Road in the County of
Middlesex Equally their executors administrators and assigns UPON
TRUST that they or the survivor of them their or his executors adminis-
trators or assigns do and shall either allow my said Shares in the
Stock of the Bank of the United States and in the Planters and
Mechanics Bank of Charleston aforesaid to remain in their present
state of investment or sell and dispose of the said Shares or any of
them from time to time and at such time or times and in such manner
as they the said James Scott Smith and George Smith or the survivor of
them their or his executors administrators or assigns shall in their or his discretion

do and shall either allow my said Shares in the
Stock of the Bank of the United States and in the Planters and
Mechanics Bank of Charleston aforesaid to remain in their present
State of investment or sell and dispose of the said Shares or any of
them from time to time and at such time or times and in such manner
as they the said James Scott Smith and George Smith or the survivor of
them their or his executors Administrators or assigns shall in their or his discretion
think best and most for the benefit and advantage of my said Estate AND
AND do and shall with all convenient speed after my decease collect get
in sell and convert into money all my personal Estate in Great Britain (except as
aforesaid mentioned) or elsewhere out of the said United States or such
part thereof as shall not consist of money or of Stock or funds of Great
Britain and also do and shall absolutely sell and dispose of all my lease-
hold property whatsoever in Great Britain or elsewhere out of the said
United States either by Public Auction or Private Contract to any person
or persons who shall be willing to become the purchaser or purchasers
thereof for such price or prices as to the said James Scott Smith and
George Smith or the survivor of them their or his executors Administrators or
assigns shall seem reasonable and for promoting and carrying into
effect such Sale or Sales do and shall enter into make and execute
all such Contracts Deeds Assignments acts matters and things as to them
the said James Scott Smith and George Smith or the survivor of them
their or his executors Administrators or assigns shall seem reasonable
AND I do hereby declare that the receipts of the said James
Scott Smith and George Smith or the survivor of them their or his executors

except as aforementioned) or elsewhere out of the said United States or such
part thereof as shall not consist of money or of stock or funds of Great
Britain and also do and shall absolutely sell and dispose of all my lease-
hold property whatsoever in Great Britain or elsewhere out of the said
United States either by Public Auction or Private Contract to any person
or persons who shall be willing to become the purchaser or purchasers
thereof for such price or prices as to the said James Scott Smith and
George Smith or the survivor of them their or his executor Administrator or
assigns shall seem reasonable and for promoting and carrying into
effect such sale or sales do and shall enter into make and execute
all such contracts Deeds Assignments acts matters and things as to them
the said James Scott Smith and George Smith or the survivor of them
their or his executor Administrator or assigns shall seem reasonable
And I do hereby declare that the receipts of the said James
Scott Smith and George Smith or the survivor of them their or his executor
Administrator or assigns for the purchase money or any other sum or sum
of money good Chattels or Personal Estate whatsoever which shall be paid
transmitted or delivered to them or him under the trusts of this my Will shall
be good and effectual discharge to the purchasers and also to the said John
Thosar James Adger and Joseph Johnson respectively their executor Adminis-
trators or assigns and to every other person or persons paying transmitting or
delivering the same respectively And I do hereby further declare
my Will and mind to be that the said James Scott Smith and George

Smith or the Survivor of them their or his executor, Administrator, and assigns shall stand and be possessed of and interested in the money to arise from the Sale of my Leasehold property in Great Britain or elsewhere out of the United States and of and in the money to be produced from my personal Estate in Great Britain or elsewhere out of the United States aforesaid the said shares in the Stock of the Bank of the United States and in the Stock of the Planter and Mechanics Bank of Charleston aforesaid and also the money Bolls and Produce to be remitted and transmitted to England by the said John Fraser James Adger and Joseph Johnson as aforesaid and of and in all and singular other the trust money, stocks, funds and premises hereinbefore mentioned and of and in the rents dividends interest and annual proceeds thereof Upon Trust in the first place to pay thereout all my just debts if any in Great Britain or elsewhere out of the said United States and my funeral expences and the expences of proving this my Will in Great Britain or elsewhere where it may be necessary And in the next place to pay and satisfy the several Legacies given by this my Will and any other Legacy or Legacies which I may hereafter by any Codicil or Codicils hereto give and bequeath and subject thereto upon trust that they the said James Scott Smith and George Smith or the Survivor of them their or his executors Administrators or assigns do and shall thereout as soon as Conveniently may be after my decease lay out and invest the sum of Forty five thousand Pounds in their or his names or Name in the purchase of a Competent share or Competent Shares of any of the Parliamentary Stocks or funds of Great Britain or at interest upon Government or real securities in England Wales or Scotland and do and shall from time to time alter vary and transpose

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what interest upon Government or real securities in England Wales or
Scotland and do and shall from time to time alter vary and transpose
the same Stock funds and securities into others of the like nature as and
when they or he shall deem it beneficial so to do. Provided always
And I do hereby declare that in the mean time and until the whole of
the said sum of forty five thousand Pounds shall be invested in Government or
real securities as hereinbefore mentioned the said sum of forty five thousand
Pounds or so much and such part or parts thereof as shall not have been so
invested shall carry interest at the rate of four pound per Cent per Annum
from the day of my decease up to the time or respective times of the investment
thereof as aforesaid. And I do declare that the said James Scott Smith
and George Smith or the survivor of them their or his executors administrators
and assigns shall stand and be possessed of and interested in the said sum
of forty five thousand Pounds and the Stock funds and securities in or upon
which the same may be laid out or invested as aforesaid and the interest
dividends and Annual produce thereof UPON and for the trust intent and purposes
hereinafter declared that is to say UPON TRUST when and as soon as my
Great Nephew Patrick Duncan (now aged Eleven years or thereabouts the
second son of my Nephew John Duncan of Stonehaven and now belonging to
Christ's Hospital London and at present at Hertford) shall attain his age of
Twenty one years to pay the interest dividend and Annual produce of the said
sum of forty five thousand Pounds or of the Stock fund or securities in or upon
which the same may be invested and of all accumulations thereof (if any) unto
him my said Great Nephew Patrick Duncan for and during the term of his
natural life And from and after his decease then UPON TRUST
to pay assign and transfer the said sum of forty five thousand Pounds

real securities as hereinbefore mentioned the said sum of forty five thousand
Pounds or so much and such part or parts thereof as shall not have been so
invested shall carry interest at the rate of four pound per Cent per Annum
from the day of my decease up to the time or respective times of the investment
thereof as aforesaid. And I do declare that the said James Scott Smith
and George Smith or the survivor of them their or his executor administrators
and assigns shall stand and be possessed of and interested in the said sum
of forty five thousand Pounds and the Stock, funds and securities in or upon
which the same may be laid out or invested as aforesaid and the interest,
dividends and Annual produce thereof UPON and for the trust intents and purposes
hereinafter declared that is to say UPON TRUST when and as soon as my
Great Nephew Patrick Duncan (now aged Eleven years or thereabouts the
second son of my Nephew John Duncan of Stonehaven and now belonging to
Christ's Hospital London and at present at Oxford) shall attain his age of
Twenty one years to pay the interest dividend and Annual produce of the said
sum of forty five thousand Pounds or of the Stock, fund or securities in or upon
which the same may be invested and of all accumulations thereof (if any) unto
him my said Great Nephew Patrick Duncan for and during the term of his
natural life And from and after his decease then UPON TRUST
to pay assign and transfer the said sum of forty five thousand Pounds
Stock, funds or securities and the interest dividend and Annual produce
thereof and all accumulations thereof unto such one or more or children
of the other or others of the Children of my said Great Nephew Patrick

Duncan for such estate in interest estates or interests and in such
 manner and form in all respects as he my said ^{great} Nephew Patrick Duncan
 shall in and by his last Will and Testament in writing direct or appoint
 and in default of such direction or appointment and so far as the same
 if incomplete shall not extend Therunto between and among all and every
 the Children of my said Great Nephew Patrick Duncan who shall be
 living at his decease or born in due time after equally to be divided
 between or amongst them if more than one share and share alike as
 Tenants in common and not as joint Tenants then respective executors
 administrators and assigns and if there shall be but one such Child
 then upon trust for such one Child and his or her Executors adminis-
 trators or assigns and if there shall be no Child or Children of my
 said Great Nephew Patrick Duncan who shall become absolutely entitled
 to the said trust monies and premises under the trusts and power afore-
 said Then Upon Trust when and as soon as my Great Nephew
 Andrew Duncan (now aged eight Years or thereabouts the third son of
 my said Nephew John Duncan) shall attain his age of Twenty one
 Years to pay the interest dividends and annual produce of the said
 sum of forty five thousand pounds or of the stocks funds or securities
 in or upon which the same may be invested and of all accumulations
 thereof (if any) unto him my said Great Nephew Andrew Duncan
 for and during the term of his natural life and from and after his
 decease Then upon Trust to pay assign and transfer the said sum of
 forty five thousand pounds Stocks funds or securities and the interest
 dividends and annual produce thereof and all accumulations thereof unto

dividends and annual produce thereof and all accumulations thereof unto
such one or more exclusively of the other or others of the Children of my
said Great Nephew Andrew Duncan for such Estate or interest estates or
interests and in such manner and form in all respects as the my said
Great Nephew Andrew Duncan shall in and by his last Will and Tes-
tament in Writing direct or appoint and in default of such direction or
appointment and so far as the same if incomplete shall not extend thereto
between and among all and every the Children of my said Great Nephew
Andrew Duncan who shall be living at his decease or born in due time
after equally to be divided between or amongst them if more than one share
and share alike as Tenants in common and not as joint Tenants their
respective executors administrators and assigns and if there shall be but
one such child then upon trust for such one Child and his or her
Executors administrators or assigns and if there shall be no child or Chil-
dren of my said Great Nephew Andrew Duncan who under the trusts
and power last aforesaid shall become absolutely intitled to the said trust
monies and premises then upon trust when & as soon as my Great Nephew
Charles Duncan (now aged about thirteen Years or thereabouts the Eldest
son of my said Nephew John Duncan) shall attain his age of twenty
one Years To pay the interest dividends and annual produce of the said
sum of forty five thousand pounds or of the Stocks funds or securities in
or upon which the same may be invested and of all accumulations thereof
unto him my said Great Nephew Charles Duncan for and during the term
of his natural life and from and after his decease then upon trust to pay
assign and transfer the said sum of forty five thousand pounds or
stocks or securities and the interest thereof

near nephew Andrew Duncan shall in and by his last Will and Testament in Writing direct or appoint and in default of such direction or appointment and so far as the same if incomplete shall not extend thereto between and among all and every the Children of my said Great Nephew Andrew Duncan who shall be living at his decease or born in due time after equally to be divided between or amongst them if more than one share and share alike as Tenants in common and not as joint Tenants their respective executors administrators and assigns and if there shall be but one such child then upon trust for such one child and his or her executors administrators or assigns and if there shall be no child or children of my said Great Nephew Andrew Duncan who under the trusts monies and premises there upon trust when & as soon as my Great Nephew Charles Duncan (now aged about thirteen years or thereabouts the eldest son of my said Nephew John Duncan) shall attain his age of twenty one years To pay the interest dividends and annual produce of the said sum of forty five thousand pounds or of the Stocks funds or securities in or upon which the same may be invested and of all accumulations thereof unto him my said Great Nephew Charles Duncan for and during the term of his natural life and from and after his decease then upon trust to pay assign and transfer the said sum of forty five thousand pounds Stocks funds or securities and the interest dividends and annual produce thereof and all accumulations thereof unto such one or more exclusively of the other or

others of the Children of my said Great Nephew Charles Duncan for
such Estate or interest estates or interests and in such manner and form
in all respects as he my said Great Nephew Charles Duncan shall in and
by his last Will and Testament in writing direct or appoint and in default
of such direction or appointment and so far as the same if incomplete shall
not extend Thereunto between and among all and every the Children of
my said Great Nephew Charles Duncan who shall be living at his decease
or born in due time after equally to be divided between or amongst them
if more than one share and share alike as Tenants in common and not
as joint Tenants their respective Executors Administrators and assigns and
if there shall be but one such Child then upon trust for such one Child
and his or her executors administrators and assigns And if there shall
be no child or Children of my said Great Nephew Charles Duncan who
under the trusts and power last aforesaid shall become absolutely
entitled to the said trust monies and premises then upon trust to pay assign
and transfer the said Sum of forty five thousand pounds Stocks funds
or securities and the interest dividends and annual produce thereof
and all accumulations thereof unto my said Nephew John Duncan of
Stonehaven his Executors administrators and assigns And I nomi-
nate and appoint direct and request the said James Scott
Smith and George Smith and the survivor of them then and his
executors or administrators to attend to and take charge of the proper
maintenance and education of my said Great Nephew Patrick Duncan
until he shall attain the age of twenty one Years and for that purpose
I do hereby direct

I do hereby direct that my Great Nephew the said Patrick Duncan
may in their or his discretion be kept either at Christ's Hospital afore-
said or at some other good school until he shall be of the proper age
and competent to be entered as a student at one of the English
or Scotch Universities or to be put out to some profession or Business
which my said Great Nephew Patrick Duncan may select subject
to the approbation of the said James Scott Smith and George Smith
or the survivor of them his Executors or administrators AND I
direct that the expence of the maintenance education and advance-
ment of my said Great Nephew Patrick Duncan until he attain
his said age of twenty one Years shall be defrayed by and out of
the dividends interest and annual produce of the said sum of
fifty five thousand pounds or of the stocks funds and securities
in or upon which the same may be laid out or invested and for
that purpose I hereby authorise and empower the said James
Scott Smith and George Smith and the survivor of them their and
his Executors administrators or assigns by and out of such interest
dividends and annual produce to pay out and expend in or upon
the maintenance and education of my said Great Nephew Patrick
Duncan or for placing him out in any profession or Business such
annual or other sum or sums of money as they or he may think
necessary and proper and in case my said Great Nephew Patrick
Duncan shall die before he shall attain the age of twenty one
Years with out leaving any Child or Children who under the trust
and power aforesaid shall become absolutely entitled to the said
money and principal.

or Scotch Universities or to be put out to some profession or Business
which my said Great Nephew Patrick Duncan may select subject
to the approbation of the said James Scott Smith and George Smith
or the survivor of them his Executors or administrators UNDE I
direct that the expence of the Maintenance education and advance-
ment of my said greater Nephew Patrick Duncan until he attain
his said age of twenty one Years shall be payed by and out of
the dividends interest and annual produce of the said sum of
fifty five thousand pounds or of the Stocks funds and Securities
in or upon which the same may be laid out or invested and for
that purpose I hereby authorise and empower the said James
Scott Smith and George Smith and the survivor of them their and
his Executors administrators or assigns by and out of such interest
dividends and annual produce to lay out and expend in or upon
the maintenance and education of my said Great Nephew Patrick
Duncan or for placing him out in any profession or Business such
annual or other sum or sums of money as they or he may think
necessary and proper and in case my said Great Nephew Patrick
Duncan shall die before he shall attain the age of twenty one
Years with out leaving any Child or Children who under the trusts
and power aforesaid shall become absolutely entitled to the said trust
monies and premises Then I direct and request the said
James Scott Smith and George Smith and the survivor of them

then or his Executors or Administrators to superintend and take charge
 of the Maintenance and Education of my said Great Nephew Andrew
 Duncan in the same manner in all respects as I have herein before
 expressed with regards to my said great Nephew Patrick Duncan and
 that the allowance for the maintenance education and Advancement of
 the said Andrew Duncan until he attains his age of Twenty one
 Years shall be the same in all respects as is herein before mentioned
 with respect to my said great Nephew Patrick Duncan And in
 case both my said great Nephews Patrick Duncan and Andrew
 Duncan shall die before they shall respectively attain their ages
 of Twenty one Years without leaving any child or children who under
 the trusts and powers aforesaid or any of them shall become absolute-
 ly entitled to the said trust monies and premises Then I hereby
 direct and request the said James Scott Smith and George Smith
 and the survivors of them then or his Executors or Administrators
 to superintend and take charge of the maintenance and Education
 of my said great Nephew Charles Duncan in the same manner in
 all respects as I have herein before expressed with regard to my said
 great Nephews Patrick Duncan and Andrew Duncan and that the
 allowance for the maintenance education and advancement of the said
 Charles Duncan until he attains his age of Twenty one Years shall
 be the same in all respects as is herein before mentioned with respect
 to my said great Nephews Patrick Duncan and Andrew Duncan
 Provided always And I do hereby declare my mind
 and will to be that when and so often as any one of my said three

to my said great Nephews Patrick Duncan and Andrew Duncan
Provided always And I do hereby declare my mind
and will to be that when and so often as any one of my said three
great Nephews respectively shall be under the age of twenty one
Years and entitled to maintenance under the trusts and provisions
last aforesaid the said James Scott Smith and George Smith and
the survivor of them their or his Executors Administrators and assigns
do and shall from time to time after paying and allowing such annual
sum or sums of money for maintenance Education and Advancement
as herein before mentioned and provided accumulate and improve the
residue and surplus of the Interest dividends and annual produce
of the said sum of forty five thousand pounds in the Stocks funds
and Securities in or upon which the same may be invested by
their or his names or name in some of the parliamentary Stocks
a public funds of Great Britain or at interest upon real Securities in
England to be from time to time altered and varied as occasion shall
require and such accumulations and the interest thereof to be In
Trust for or for the benefit of the person or persons who under the
trusts and powers aforesaid shall for the time being be or become entitled
thereto respectively And I appoint the said James Scott Smith
and George Smith and the survivor of them their and his Executors or
administrators Trustees and Guardians of my said great Nephews
for the purposes herein before mentioned during their respective minorities
I do hereby give and bequeath to them the said James Scott
Smith and George Smith the sum of two hundred pounds

last aforesaid the said James Scott Smith and George Smith and
the survivor of them their or his Executors Administrators and Assigns
do and shall from time to time after paying and allowing such annual
sum or sums of money for maintenance Education and Advancement
as herein before mentioned and provided accumulate and improve the
residue and surplus of the Interest dividends and annual produce
of the said sum of forty five thousand pounds in the Stocks funds
and Securities in or upon which the same may be invested by
investing the same and the produce thereof from time to time in
their or his names or name in some of the parliamentary Stocks
a public funds of Great Britain or at interest upon real Securities in
England to be from time to time altered and varied as occasion shall
require and such accumulations and the interest thereof to be In
Trust for or for the benefit of the person or persons who under the
trusts and powers aforesaid shall for the time being be or become entitled
thereto respectively And I appoint the said James Scott Smith
and George Smith and the survivor of them their and his Executors or
administrators Trustees and Guardians of my said great Nephews
for the purposes herein before mentioned during their respective minorities
I do hereby give and bequeath to them the said James Scott
Smith and George Smith the sum of two hundred pounds each for the
trouble they will have in the execution of the trusts herein before mentioned
And I give and bequeath to my said nephew John Duncan an
annuity of forty pounds during his life which I charge upon the residue

of my Estate herein after bequeathed such annuity to be payable half yearly
and the first payment to be made the calendar month next after my
decease with a proportional part thereof up to the ~~first~~ day of my decease
And I hereby give and devise all such real Estates within the
United States of America as are vested in me as Mortgagee or Trustee
unto and to the use of the said John Fraser James Adger and Joseph
Johnson their heirs and assigns And I give and devise all
such real Estates in great Britain or elsewhere out of the ^{and} United States
as are vested in me as Mortgagee or Trustee unto and to the use
of the said James Scott Smith and George Smith their heirs and assigns
To the intent that they respectively may be enabled to receive the monies
due upon any such Mortgages and may perform the trusts in me reposed
relative to the same trust Estates respectively And I appoint the
said John Fraser James Adger and Joseph Johnson Executors of
this my Will as far as relates to my personal Estate in the United States
herein before bequeathed to them And I appoint the said James Scott
Smith and George Smith Executors of this ^{my} Will in England and for all
other places out of the United States of America and also so far as
relates to my aforesaid Shares in the Stock of the Bank of the United
States and Stock of the Farmers and Mechanics Bank of Charlestown
herein before bequeathed to them as aforesaid and for all other purposes
And I do declare that it shall and may be lawful for the said
John Fraser James Adger and Joseph Johnson and the Survivors and
survivor of them their and his Executors or Administrators so far as

relates to my said Estate in the said United States (except my
Shares in the Stock of the Bank of the United States and my Shares
in the Stock of the Planters and Mechanics Bank of Charleston
aforesaid) and that it shall be lawful for the said James Scott
Smith and George Smith and the Survivor of them their and his
Executors Administrators and assigns so far as relates to the Estates
and property bequeathed and directed to be transmitted to them by this
my Will as aforesaid to compound any debt or debts owing to my
said Estates respectively and to allow reasonable time for the
payment of the same or any part thereof and to pay any debts that
shall be claimed as due from my Estates respectively in such
manner and upon such evidence as they respectively shall think
fit and after or subject to the paying of all my just Debts funeral
and Testamentary Expences and to the raising and paying the
said Sum of forty five thousand pounds and the interest thereof
the said Annuity of forty pounds and the several Legacies or bequests
given by this my Will and any other Legacy or Legacies bequest or
bequests which I may here after give by any Codicil or Codicils
hereto and Subject also to the several Trusts and powers herein
before contained and to the performance thereof I give
devise and bequeath unto my two nephews Angus Duncan
and Charles Duncan of Token House Yard London Merchants and
their heirs Executors and Administrators respectively all and
singular the messuages Lands Tenements and real Estates whosoever
and where soever and of what tenure or right they may be

Smith and George Smith and the Survivor of them then and his
Executors, Administrators and assigns so far as relates to the Estates
and property bequeathed and directed to be transmitted to them by this
my Will as aforesaid to compound any debt or debts owing to my
said Estates respectively and to allow reasonable time for the
payment of the same or any part thereof and to pay any debts that
shall be claimed as due from my Estates respectively in such
manner and upon such evidence as they respectively shall think
fit and after or subject to the paying of all my just Debts funeral
and Testamentary Expenses and to the raising and paying the
said Sum of forty five thousand pounds and the interest thereof
the said Sum of forty pounds and the several Legacies or bequests
given by this my Will and any other Legacy or Legacies bequest or
bequests which I may here after give by any Codicil or Codicils
hereto and subject also to the several trusts and powers herein
before contained and to the performance thereof I give
devise and bequeath unto my two nephews Angus Duncan
and Charles Duncan of Token House Yard London Merchants and
their heirs Executors and Administrators respectively all and
singular the messuages Lands Tenements and real Estates what
soever and whatsoever and of what tenure or quality soever which
I now am or at the time of my death shall be seized or possessed
respectively of or in any wise beneficially

entitled to a interest in either in possession reversion remainder
 or expectancy and whether at Law or in Equity or over which
 I now have or at the time of my decease may have any disposing
 power And also all my personal Estate and effects whatsoever
 not herein before disposed of To have hold receive and
 take my said real and personal Estate and premises and
 every part thereof unto and to the use of my said Nephews
 Angus Duncan and Charles Duncan their heirs Executors
 Administrators or Assigns respectively according to the several
 natures or legal qualities thereof equally to be divided between
 them as Tenants in common and not as joint Tenants
 Provided always and I do hereby declare it to be
 my Will that all Sum and Sums of Money debt or debts
 which shall be due and owing to me by my said two Nephews
 Angus Duncan and Charles Duncan or either of them at the
 time of my decease may remain in their or his hands for the
 period of five Years to be computed from the day of my decease
 upon them or his giving to my Executor in England a Bond or
 Bonds in a sufficient Penalty for the repayment of the same
 with interest at the rate of five pounds per Cent per Annum on
 the expiration of the said five Years such interest to be payable
 in the mean time half Yearly And from and after the said period
 of five Years Then for such further time as my said Executors
 in England shall think proper upon them or his giving to them
 a Bond or Bonds in a sufficient Penalty for the repayment of the same

of five Years Then for such further time as my said Executors
in England shall think proper upon then or his giving to them
a Bond or Bonds in like manner as aforesaid for payment of
the same on the expiration of such further time with interest
in the mean time at the like rate and payable half Yearly AND
my will is AND I do hereby declare that the receipts
in Writing of the said James Scott Smith and George Smith
or the survivor of them then or his Executor Administrators or
assigns or other the Trustees or Trustee for the time being of this
my Will to be appointed under the power herein after contained
shall be good and sufficient discharges to any person or persons
paying purchasing or discharging my personal Estate or any part
thereof or any monies Stocks Funds or Securities to be acquired or
paid in under the trusts of this my Will for all monies to be paid
by him or them in such respects as aforesaid or any of them AND
that the same Person or Persons his her or their Executors Adminis-
trators or assigns shall not afterwards be answerable or accountable
for the loss misapplication or nonapplication or be in any wise obliged
or concerned to see to the application of or to the necessity of raising the
Money which in such Receipts or Receipts shall be acknowledged to
be received or any part thereof Provided always AND I
do hereby declare that if the said James Scott Smith and
George Smith or either of them or any Trustees or Trustee to be appoint-
ed in the place or stead of them or either of them or of any future
Trustees or Trustee as hereinafter mentioned shall die or go to reside
beyond the Seas or shall be

do hereby declare that the receipts
in Writing of the said James Scott Smith and George Smith
or the survivor of them then or his Executors Administrators or
assigns or other the Trustees or Trustee for the time being of this
my Will to be appointed under the power herein after contained
shall be good and sufficient discharges to any person or persons
paying purchasing & discharging my personal Estate or any part
thereof or any monies Stocks Funds or Securities to be acquired or
paid in under the trusts of this my Will for all monies to be paid
by him or them in such respects as aforesaid or any of them And
that the same Person or Persons his her or their Executors Adminis-
trators or assigns shall not afterwards be answerable or accountable
for the loss misapplication or nonapplication or be in any wise obliged
or concerned to see to the application of or to the necessity of raising the
money which in such Receipts or Receipts shall be acknowledged to
be received or any part thereof Provided always And I
do hereby declare that if the said James Scott Smith and
George Smith or either of them or any Trustees or Trustee to be appoint-
ed in the place or stead of them or either of them or of any future
Trustees or Trustee as herein after mentioned shall die or go to reside
beyond the Seas or shall be denious of being discharged from or
decline or become incapable to act in the several trusts hereby on
them imposed as aforesaid before the said Trusts shall be fully performed
then and in any such case it shall and may be lawful to and for

the surviving or continuing Trustee or Trustees if any whether such sur-
viving Trustee or Trustees shall be willing to continue to act in their res-
pects or not or if all the Trustees for the time being shall be then dead
then for the Executor or Administrator of the last surviving Trustee by
any writing or writings under his or their hand and seal or hands and
seals from time to time to nominate substitute or appoint any other
person or persons to be a Trustee or Trustees in the stead or place
of the Trustee or Trustees so dying going to reside beyond the seas or
being desirous of being discharged or declining or becoming incapable
to act as aforesaid and thereupon all the Estates monies and premises
hereby devised and bequeathed respectively upon the trusts aforesaid
or to be produced under any of the said trusts shall with all con-
venient speed be conveyed assigned and transferred respectively so and
in such manner that the same shall and may be legally and ef-
fectually vested in the surviving and continuing Trustee or Trustees
and such new or other Trustee or Trustees or if there shall be no con-
tinuing Trustee then in such new Trustees or Trustee only to the same
uses upon the same trusts and with the same powers and authorities
as are herein before declared and contained of and concerning the
same Estates monies and premises or such of the same powers and
authorities as shall or may be then subsisting or capable of taking
effect AND it is my will that all and every the Trustees for
the time being of this my Will and their respective heirs Executors
Administrators and Assigns shall be severally charged and charge-

able only for such monies as they shall respectively actually receive by virtue of the trusts hereby in them reposed although they or any of them may give sign or join in any receipt or receipts for the sake of conformity and that each and every of them shall only be answerable for himself and his own acts that none of them shall be answerable for any Banker Broker or other person with whom any part of the trust money to arise under this my Will shall or may be deposited nor for the insufficiency or deficiency of any security in or upon which the said trust monies or stocks or any part thereof shall be placed out or invested nor for any defect in title in any hereditaments to be taken in Mortgage nor for any other misfortune or loss in the execution of the trusts of this my Will or any of them unless the same shall happen by or through their own wilful default respectively and that it shall and may be lawful to or for the Trustees or Trustees for the time being of this my Will and every of them to retain to and reimburse themselves and to allow them or his Co-trustee or Co-trustees by or out of the trust Estates Funds and premises comprised in or to arise under this my Will all costs damages and expences which they or any of them shall or may suffer sustain expend disburse be at or be put unto in or about the execution of the aforesaid Trusts or any of them or in relation thereto AND lastly hereby revoking all former and other wills and Testamentary dispositions by me at any time heretofore made I declare this only to contain my last Will and Testament In witness whereof I the said Patrick Duncan have to the my last will and Testament and to a Duplicate hereof like tenor and date signed

only be answerable for himself and his own acts that none of them
shall be answerable for any Banker Broker or other person with whom
any part of the trust money to arise under this my Will shall or
may be deposited nor for the insufficiency or deficiency of any security
nor upon which the said trust monies or Stocks or any part thereof
shall be placed out or invested nor for any defect in title in any
hereditaments to be taken in Mortgage nor for any other misfortune or
loss in the execution of the trusts of this my Will or any of them unless
the same shall happen by or through their own wilful default respectively
and that it shall and may be lawful to or for the Trustees or Trustees
for the time being of this my Will and every of them to retain to and
reimburse themselves and to allow them or his Co-trustee or Co-trustees
by or out of the trust Estates Funds and premises comprised in or arising
under this my Will all costs damages and expences which they or
any of them shall or may suffer sustain expend disburse be at or
be put unto in or about the execution of the aforesaid Trusts or any of
them or in relation thereto And lastly hereby revoking all former
and other wills and Testamentary dispositions by me at any time here-
before made I declare this only to contain my last Will and Testament
In witness whereof I the said Patrick Duncan have to this
my last Will and Testament and to a Duplicate hereof of a
like tenor and date contained in fourteen sheets of paper set my hand
and Seal that is to say my hand to the thirteen first sheets and my

38
hand and seal to this fourth and last sheet this nineteenth day
of March in the Year of our Lord one thousand eight hundred and
thirty eight. P. DUNCAN (25)

signed sealed Published and declared by the said Patrick
Duncan the Testator as and for his last Will and Testament in
the presence of us who in his presence at his request and in the
presence of each other have hereunto subscribed our Names as
witnesses hereto

Geo. Humphrey 21 College Hill, London Edw.
Scott and Stephen Chilton both clerks to Messrs. Wilde Rees
Humphrey & Wilde 21 College Hill London

proved before Frederic Thomas Pratt Surrogate London on the
Nineteenth day of February Eighteen hundred and forty Admitted
to Records in this Court on the twenty first of April 1840 and at
E. & the same time qualified John Fraser, James Adger and Doct
J. L. Joseph Johnsons, Executors. November 26th 1849. Disqualified Robert
X Adger Adm^{or} will annul, durante Absentia of English Executors.

Box 2 State of South Carolina Charleston August 10. 1837

N^o 20

In the name of God Amen I James Johnston of Chapple
Street Charleston neck being in good health of Body and mind do
make and Publish this my last Will and Testament. which is
as follows W^{it} 1st I bequeath to my wife Lucinda Johnston otherwise
Dillon one fifth part of all my real personal and chattle Property at
the time of my death for her own use and to be at her disposal