

18th Sept
No 35
South Carolina - City of Charleston

The last Will and Testament of Wm H Gibbs

1- I devise my real estate to my Executors with power to sell the same, at public or private sale, on such terms as they may approve. 2nd I bequeath to my Dear Wife, during life, the use of my carriage and horses, household & Kitchen furniture, plate, wine and books and such things as are not bequeathed to her absolutely. I bequeath to her Old Bess and son Joe, together with her children and yellow Hannah with hers: I bequeath to her also during life an annuity of (\$2000) two thousand two hundred dollars, payable quarterly if practicable, as well for her own use as to provide board & lodging for our sons Samuel and James, till they marry. These bequests are in lieu of dower. 3rd My Executors must, immediately after my Death, set apart in stock or bonds a sufficient capital to ensure said annuity: and after her death, the same shall be divided among my Legatees in part or full payment as the case may be of their legacies. 4th I bequeath to my Executors for the use of my Daughter in law Caroline and for the maintenance and clothing of her children, one thousand dollars annually, during her widowhood, payable quarterly, if practicable: one hundred dollars to be withdrawn on the death or marriage of each of her children. 5th My Executors after laying aside, ~~in full~~ ~~and a sufficient capital for said annuity~~ for Caroline the requisite capital for my wife's annuity, must then lay aside in like manner a sufficient capital for said Annuity for Caroline: and upon her marriage said capital, shall be subject first to clause ten & to the third clause above: and so upon her death, should she not marry. 6th My Executors after having laid aside the last mentioned annuity capital, must then lay aside \$2000 two thousand dollars and expend the income on the education of my son Edwin's children: and when no longer wanted for that purpose, the Capital shall be divided as in clause third. 7th I bequeath the following

in clause third. 7th I bequeath the following annuities, payable quarterly if practicable: to Alston three hundred dollars: to Henry three hundred dollars: to William two hundred dollars: to Eliza four hundred and fifty dollars: to Sarah the same: to Ann two hundred dollars: to Robert the same: to Samuel and James each one hundred and seventy five dollars: Said annuities to last for two years after my death. 8th At the end of two years after my ~~death~~ decease, my Executors shall apply, by sales if necessary, all my estate real and personal, not specifically bequeathed or set apart as annuity Capital, in payment as far as it will go, of the following legacies. 9th I give to Alston (\$4000) four thousand dollars: to Henry (\$6000) six thousand dollars: to Eliza (\$7500) seven thousand five hundred dollars, for her sole and separate use, free from the debts in control of her husband: to Alston (\$7500) seven thousand five hundred dollars, in trust to apply the interest quarterly to the use of Sarah during life, the Capital at her death to be divided equally between such children as she may leave; but if none, then between all my Grand children, living at her death, this legacy to be in lieu of all claims she might have against me, excepting my note for (\$434) four hundred and thirty four Dollars to Alston (\$4500) four thousand five hundred dollars, in trust for my Daughter Ann, the interest thereof to be paid to my daughter Ann for her sole & separate use, free from the debt or control of her present or any future husband, the Capital at her death, to be divided equally between such children as she may leave, but if none then between all my Grand children living at her death: to Robert (\$3000) three thousand dollars: to Samuel & James each (\$7000) seven thousand dollars: & to William fifteen hundred dollars. 10th Whenever the Capital set apart for Carolines annuity shall be set free by her death or marriage, I bequeath out of it, at that time to Alston in trust for each of his children then living (\$2000) two thousand dollars, the income to be applied by him to the maintenance and education of each of them.

and Seventy five dollars: said annuities to last for two years after my death. ¹⁶ 8th At the
end of two years after my ~~death~~ decease, my Executors shall apply, by sales if necessary,
all my estate real and personal, not specifically bequeathed or set apart as annuity
Capital, in payment as far as it will go, of the following legacies. 9th I give to Alston
(\$4000) four thousand dollars: to Henry (\$6000) six thousand dollars: to Eliza (\$7500) seven
thousand five hundred dollars, for her sole and separate use, free from the debts or control
of her husband: to Alston (7500) seven thousand five hundred dollars, in trust to apply
the interest quarterly to the use of Sarah during life, the Capital at her death to be di-
vided equally between such children as she may leave; but if none, then between all
my Grand Children, living at her death, this legacy to be in lieu of all claims she
might have against me, excepting my note for (\$434) four hundred and thirty four Dollars
to Alston (\$4500) four thousand five hundred dollars, in trust for my Daughter Ann, the
interest thereof to be paid to my daughter Ann for her sole & separate use, free from the debts
or control of her present or any future husband, the Capital at her death, to be divided
equally between such children as she may leave, but if none then between all my Grand
children living at her death: to Robert (\$3000) three thousand dollars: to Samuel &
James each (7000) seven thousand dollars: & to William fifteen hundred dollars
10th Whenever the Capital set apart for Carolines annuity shall be set free by her death
or marriage, I bequeath out of it, at that time to Alston in trust for each of his children
then living (2000) two thousand dollars, the income to be applied by him to the main-
tenance and education of each of them till marriage or twenty one, the Capital then to be
paid over, but if any one of them die under twenty one and unmarried, after the death

or marriages of barline, such real share shall be divided among the survivors: and if their mother die or be away before the time appointed for the division of their education funds, then the provision for them out of its income shall cease, and the Capital be divided. 11th The residue of Capital laid aside under the fifth clause after taking out the legacies under the tenth clause, shall be divided like the Capital under the third clause. 12th Should my estate be insufficient to pay all legacies in full, they must abate proportionably, but those to my children and those to Edwin's children under clause tenth shall be paid before those to Grand children generally under clause ninth. 13th I bequeath after the death of my wife, to our children Robert, Ann, Samuel and James their faithful nurse black Marian. 14th I confirm to William the Alabama Lands. 15th I devise and bequeath all the rest and residue of my Estate, to such of my children and Grand Children (those taking the deceased parents share) as shall be living at the time when my executors shall receive any part thereof from time to time. 16th I revoke all former Wills and Codicils whatever. 17th I appoint, my wife and Daughter Eliza, Executrices, my sons Alston Henry and Robert and Dr Samuel Wilson Executors.

In Witness Testimony whereof I have hereunto set my hand & Seal this fifth day of February in the year of our Lord One thousand Eight hundred and thirty three and in the fifty seventh year of the Sovereignty and Independence of the United States of America.

W^m Hasell Gibbs L3

Signed sealed Published and declared by the said Testator William Hasell Gibbs, 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 set our hands as Witnesses.

Thomas Grimké Wm Rice James A Ashby

State of South Carolina Charleston District

Whereas, Since the making of my Will, whereby I bequeathed to my son Henry Six thousand dollars (\$6000). He has departed life, whereby said Legacy has abated, I therefore bequeath the above amount to be apportioned on the final division of my Estate as follows. To my daughter Eliza Two thousand and five hundred dollars (\$2500). To William Five hundred Dollars. To Robert One thousand dollars. To Allston in trust for his sister Ann for her sole & separate use not subject to the debts or control of her present or any future Husband One thousand Dollars. To Samuel Five hundred Dollars & to James Five hundred Dollars - I also bequeath to Eliza & my four youngest children until the final division of my Estate & in addition to their yearly allowances (as in my Will) the following sums annually, To Wit, To herself one hundred dollars, To Robert Fifty dollars, To Allston in trust for Ann as above Fifty dollars, to Samuel & to James each the like sum - I also direct my Executors to appropriate to the use of my son Samuel Two hundred Dollars for the purchase of Law books - Also the use of any one of my Law Offices in St. Michael's Alley which he may choose, during his practice of the Law

Signed sealed & declared & published by the said Testator as for a Codicil to his last Will & Testament in the presence of us, who in his presence, at his request & in the presence of each other, have hereunto set our hands as Witnesses, This twenty ninth day May 1833

James Jervey

Robert Macbeth

Wm Hasell Gibbs Wm Jervey

ES

I appoint my Son Samuel Willmott one of my Executors in place of
Brother Henry since deceased - dated 1st June 1833. W^m Hasell Gibbs 23

Signed sealed published & declared by the Testator as and for his last Will
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 set our names as Witnesses

Thomas S. Grimke Abraham Morse James Ashby

Codicil to my last Will and Testament Dated February fifth 1833.

Whereas in my said Will, I have bequeathed to my wife (as I fear may be the effect
of the second clause) the use only of all of my Slaves, whereas my intention then was and still
is to bequeath to her an absolute estate in the following Slaves viz: Bess & her son Joe, Joe &
her children, and yellow Hannah and her children, I do therefore in conformity with
such intention, declare that I bequeath them to my said Wife absolutely: But and may
happen that she may die before me, should I in such event, make no other disposition
of them, by another Will or codicil or by any other instrument, of ~~writing~~ them and in
such case, I do hereby bequeath them to our four children; Robert, Ann, Samuel and
James absolutely, equally to be divided between them share and share alike. I
also bequeath to W^m Caroline S. Gibbs the use during Widowhood of Old Hannah
the Cook now in her service, and after death, I bequeath said Cook absolutely
to my four Grand children Elizabeth A. Harriet Lowndes, Mary Hasell and William
Hasell, and to the survivors of them living at my death, equally to be divided between
them. In Testimony whereof I have hereunto set my hand and seal this Eighth
day of July A.D. Eighteen hundred & thirty three

W^m Hasell Gibbs 23

signed, sealed, published and declared, by the said Testator as and for a Codicil to 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 set our names as Witnesses
Thomas S. Grinke Abraham Moise James A. Ashby

In addition to the above codicil, I bequeath to my Dear Wife absolutely, all my furniture, plate, Carriage, Table Linen, bedding & bed clothes and books. Witness my hand and seal this twenty fifth day of July eighteen hundred and thirty three. Executed and Attested as above described

Wm Hasell Gibbs S.B.

Thomas S. Grinke Abraham Moise James A. Ashby

South Carolina City of Charleston - I do hereby make and declare this to be a codicil to my last Will and Testament - I do hereby revoke all the provision made in my Will for my Daughter in law W^m Edwin Gibbs and for my Grand Children, her children - I do hereby direct my Executors to pay out of the general funds of my Estate for the schooling, cloathing and maintenance of my three Grand Children Harriet Mary & William Children of said Edwin, such sum as may be necessary not exceeding the sum of two hundred dollars each per annum, during the minority of each; and as each attains ~~the~~ age twenty one, they shall pay to him or her two hundred dollars, in full satisfaction of the whole provision made for them by the Will - I also appoint my Executors Guardians or Trustees for them. I direct my Executors to pay the Landlord for the house rent of my said Daughter in law, a sum not exceeding One hundred and fifty dollars per annum, until the youngest of the said Grand Children shall attain twenty one: and I do further direct them to pay her the sum of ~~the~~ hundred dollars per annum from the time of ~~her~~ my death and during her widowhood, when said provision of one hundred and fifty dollars and one hundred dollars I direct

In addition to the above codicil, I bequeath to my Dear Wife absolutely, all my furniture, plate, Carriage, Table linen, bedding & bed clothes and books. With my hand and seal this twenty fifth day of July eighteen hundred and thirty three. Executed and Attested as above described

Wm Hasell Gibbs SB

Thomas St. Grimké Abraham Moise James A Ashby

South Carolina City of Charleston - I do hereby make and declare this to be a codicil to my last Will and Testament - I do hereby revoke all the provision made in my Will for my Daughter in law W^m Edwin Gibbs and for my Grand Children, her children - I do hereby direct my Executors to pay out of the general funds of my Estate, for the schooling, cloathing and maintenance of my three Grand Children Harriet Mary & William Children of said Edwin, such sum as may be necessary not exceeding the sum of two hundred dollars each per annum, during the minority of each; and as each attains ~~the~~ age twenty one, they shall pay to him or her two thousand dollars, in full satisfaction of the whole provision made for them by the Will - I also appoint my Executors Guardians or Trustees for them. I direct my Executors to pay the Landlord for the house rent of my said Daughter in law, a sum not exceeding One hundred and fifty dollars per annum, until the youngest of the said Grand Children shall attain twenty one: and I do further direct them to pay her this sum of ~~the~~ hundred dollars per annum from the time of ~~her~~ my death and during her widowhood, when said provision of one hundred and fifty dollars and one hundred dollars, I declare to

4. be in full satisfaction of all the provision made for him in my Will. In Testimony
whereof I have to the said Codicil, as such, hereunto set my hand and seal this the
sixteenth day ^{of August} of our Lord A.D. Eighteen hundred and thirty three

Wm. Hasell Gibbs S.S.

Signed Sealed published and declared by the said Testator as and for
a Codicil to his last Will & Testament in presence of us, who in his presence and
at his request & in the presence of each other, have hereunto set our hand as Wit-
neses. James A. Ashby Francis R. Lubbock I Ladson Gregorie

Exam'd
JL Proved before Thomas Lehn Jun O.C.T.D. March 1st 1834 and at the same
times. Qualified W^m Mary P. Gibbs Executrix, the Rev Alston Gibbs and
Samuel W. Gibbs Executors. October 25th 1839 qualified this day Robert W
Gibbs Esq

18. L^s South Carolina. In the name of God Amen. I Agnes Smith of the City of Charleston,
W^m 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-
penses 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