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1827

In the name of God Amen I Peter Smith of Charleston in the State of South Carolina Planter and Farmer to my late Mother Sarah Smith of the City and State aforesaid Widow deceased being of Sound and disposing mind memory and understanding do this sixteenth day of August in the year of our Lord one thousand Eight hundred and fourteen make public and declare my last Will and Testament as follows: First I will order and direct that so much of the real or personal Estate as I hold under Conveyances from my late mother in trust to dispose of the same by will or otherwise at my discretion for the Benefit of all or any of my Children be sold and disposed of by my Executor herein after named either at public or private sale at such time or times, in such place or places and on such terms and Conditions as he in his discretion may deem most advisable and in effecting such sale or sales to execute and deliver to the Purchaser or Purchasers good & sufficient deeds and Titles. the said sales to be extended until my said Executor shall have raised or secured on account thereof a sum equal to the discharge of what may be due on my acknowledgment securing an annuity to my Daughter Ann dated 17th December 1807. also a sum equal to that which may be due on my Bonds to my Grand Daughter Sarah Middleton Bibbes dated 4 November 1807 also a sum equal to the payment of all security ships, Indorsements & contracts or obligations wherein my said Executor Robert R Bibbes now is or shall or may be bound or liable for me at the time of my decease or wherein or whereunto I may be bound to

Needs and Duties. the said Sales to be Extended until my said Executor shall have raised or Secured on Account thereof a Sum Equal to the discharge of What may be due on my acknowledgment Securing an Annuity to my Daughter Ann dated 17th December 1807. also a Sum Equal to that which may be due on my Bonds to my Grand Daughter Sarah Middle-ten Gibbs dated 4 November 1807 also a sum Equal to the payment of all Security Ships Indorsements Contracts or obligations wherein my said Executor Robert R Gibbs now is or shall or may be bound or liable for me at the time of my decease or wherein or whereby I may be bound to him or wherein or whereby he may be bound apparently as a principal to me at the time of my decease the said debts &c charged on said trust Estate being for advances made or facilities generously afforded to me by my Son his said for the general benefit of my family whereby I have been and hope to be Enabled to discharge my duties under the trust decd of John my late Mother. Confidently relying on my said Executor to make such disposition of the money so to be raised and paid to him as will promote and be ordered to the benefit of his Wife and Children. But in case my right to dispose of (as I have done) the proceeds of the Sales so ordered to be made should be disputed or attempted to be controverted by either of my sons or by any one claiming under them or either of them - then I will and order my said Executor after raising by Sales as afore said the amount aforesaid to pay the same to his Wife my Daughter Ann, and I do hereby give and bequeath the same to her her heirs and assigns forever

I am I also will order and devise my said Executor further to will so much of
the said trust Estate as will secure to my beloved Wife an annuity of four hundred
pounds sterling to be paid to her yearly and Every Year during her natural life for her
Support and Maintenance my said Executor to retain the Capital in his hands
and to Account to my Children for the faithful payment of said annuity to
their Mother and from and after the death of my said Wife any amount due
on said annuity and also the funds or Capital to be raised for its payment
to be considered as part of the residue of said trust Estate and to be divided
according to the directions hereinafter expressed and declared. But in case
either of my Sons or any one claiming under them or either of them should dispute
or attempt to controvert the above bequest then I give and bequeath to my Daughter Ann
the amount ordered to be raised by sale as aforesaid for securing the annuity
aforesaid to her her heirs and assigns forever relying on her filial affection to
Support with comfort care and attention her worthy but hapless Parents
without my said Daughter being liable to account in any way or manner
or to any Person or Persons whatsoever for the sum hereby bequeathed to her
or any part thereof. I am I give devise and bequeath all the rest residue &
remainder of said trust Estate subject nevertheless to the several uses Trusts
& conditions Restrictions and Limitations herein ^{after} expressed and declared to
be Equally shared and divided to and among my three children vizt
Middletown Ann and Charles as Tenants in Common and not as joint tenants
to them their heirs and assigns forever. Except the part or share of my son Midd-
letown and if I should give devise and bequeath unto Robert R. Gibbs his heirs

Middleton. And as Charles as I am in common and as I am in common
to them their heirs and assigns forever. Except the part or share of my son Mid-
dleton which I hereby give devise and bequeath unto Robert R. Gibbs his heirs
and assigns forever. And I trust to permit and suffer my said son Middleton
without impeachment of Waste to receive the Rents issues and profits thereof
during his natural life and from and after his decease leaving a Widow
and issue by her or by any former Wife then the said trust to determine
and I hereby give devise and bequeath to the Widow and issue of my
said son, or to his issue should he leave no Widow his portion of said
trust Estate to be equally divided between them share and share alike. Each
of my Grand Children taking a part Equal to that of my said Widow
to them their heirs and assigns forever. But in case of my said son's death
without issue and leaving a Widow then and in such case I will order
and direct that my said son Middleton's portion of the said trust Estate
shall be managed worked and improved at the direction and under
the direction of the said Robert R. Gibbs his heirs Executors and adminis-
trators and that he or they do yearly and every year during the natural
life of my said Daughter in Law pay to her out of the net income or
Profit of my said son's Estate devised and bequeathed in trust as aforesaid
an Annuity of One thousand Dollars if my said son's portion of said
trust Estate should yield so much or if it should yield less than only so
much as it may yield and I do hereby expressly Enjoin and discharge

all other parts of the trust Estate held by me under deeds from my mother from contributing in any event towards the payment of any deficiency in said Annuity and from and after the death of my said Daughter in Law I give devise and bequeath the whole of my said Son Middleton's portion of the residue of the trust Estate derived as aforesaid from my late Mother together with all profits which may have accumulated thereon to be Equally divided between my Daughter Ann and my Son Charles as Tenants in common and not as joint Tenants to them their heirs and assigns forever. Further if any of my Children should dissent from, or by Judicial process attempt to defeat or annul any of the Provisions contained in this my Will, or any of the settlements or arrangements heretofore made by me with my Children, or the agreements entered into between them and sanctioned by me in relation to the said trust Estate of my mother with a view to their past support and future Establishment in life, then and in such case and in pursuance of the authority vested in me by the trust deeds from my late Mother, I hereby revoke such parts of this my Will as bequeaths or devises any Legacy or devise to any Child or Children so dissenting as aforesaid and to the total exclusion of any Child or Children so dissenting this her or their heirs Executor administrators or assigns. I give devise and bequeath the whole and every part of the residue of the real and personal Estate held by me in trust as aforesaid to such other Child or Children his her or their heirs and assigns forever as may be named in this my Will.

residue of the real and personal Estate held by me in trust as aforesaid
to such other child or children his her or their heirs and assigns forever
as may be named in this my Will and agree to support the just and
manifest intentions of their father. Item as to my private Estate real and
personal I give devise and bequeath the same after payment of my General
Expenses and Lawful Debts Equally share and share alike to and between
my said three children Middleton Ann and Charles as tenants in com-
mon and not as joint tenants to them their heirs and assigns forever
And lastly revoking all former and other Wills by me at any time heretofore
made and declaring this only Written on four Sides of paper as and for my
last Will and Testament and as an Execution of my duty as trustee under
deeds from my late Mother. I hereby nominate and appoint my Son
in Law Robert R. Gibbs Sole Executor of this my last Will & Testament
the words "to my beloved Wife" in the first page and the word "them" in the
second page being first interlined. We thus my Hand & Seal the day
and Year first above Written.

Peter Smith (P)

Signed Sealed Published and declared by the Testator as and for his last
Will and Testament in the presence of us & in the presence of each other & of him
Subscribed by us as Witnesses the Words "at the time of my decease" in
Testator's handwriting being first interlined in first page.

W. Roach John F. Mayer Thomas Desautels

It is ordered to be added to my last Will and Testament and which is

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to be held and considered as forming a part of the same. Whereas I have given
to my Daughter in Law the Wife of my Son Henry Middleton Smith, certain
Negroes as will fully appear by the deeds of Gift duly made and Executed to
Robert R. Gibbs as her trustee in that behalf specially nominated constituted
and appointed in consideration of which said Gift I do hereby revoke the annu-
ity of one thousand Dollars given and bequeathed to my said Daughter in Law
by my said Will. Item if my Son Henry Middleton Smith should demand
from my Executor any part or portion of the Estate of his deceased bro-
ther Charles (I having at different times advanced the said Henry Middleton Smith
various sums of money far exceeding any claim he might have on his brother
Estate) or should attempt to defeat any of the Provisions contained in my
said last Will and Testament or this my Codicil then and in such an event
I hereby revoke and make null and void all Legacies and bequests so as
aforesaid given and devised to my said Son Henry Middleton Smith
and give devise and bequeath the same to my dear Daughter Ann her
heirs and assigns forever. Item I give to my said Daughter Ann and
her heirs the sum of seven thousand Dollars with interest from the date of
this my Codicil in order that she may be upon an Equal footing with her
Brother Henry Middleton Smith having long since advanced him considerable
sums of money. Further the Plantation called W. Lewisville in Goose Creek
I order and direct to be sold by my Executor on such terms as he shall think
proper, five Sixths arising from the proceeds of the said Sale I give to my
said Daughter Ann her heirs and assigns forever. And one Sixth part or share

proper, five Sixths arising from the proceeds of the said Sale I give to my
Daughter Ann her heirs and assigns forever. And one Sixth part or share
I give to my son Henry Middleton Smith his heirs and assigns forever.
In Witness Whereof I the said Peter Smith have hereunto set my hands
and Seal the Ninth day of September one thousand Eight hundred &
twenty — Peter Smith (L9)

Sealed and delivered in the presence of
Frederick Beard George B Reid. William J Stoll.
A further bequest to be added to and considered as a part of my said last
Will and Testament, it is my Will and I do hereby order and direct my Executors
as soon as convenient after my decease to sell and dispose of on such terms &
conditions as they shall deem fit and proper the following Negroes being now
on Bloomville Plantation in Goose Creek Parish vizt Jack, Supio Simon, Cain
Charissa Margaret. Bob Hagad Morris Sampson Saffa Suba Birch Sonny
Amy Frank. Dolly Will Calidonia and Dolly. Witness my Hand and
Seal the twenty first day of September one thousand Eight hundred & twenty
Peter Smith (L9)

Sealed and delivered in the presence of
Frederick Beard James Futrell George B Reid
In looking over the accounts between my son Henry M Smith and myself
I am clearly satisfied that he is indebted to me Seven thousand dollars

336 which I am to be accounted for in a Settlement with my Estate previously
to his receiving his Proportion. Peter Smith August 13. 1819
I hereby declare that I give to my Daughter Ann Smith Gibbs my large
Silver Tankard which she is to be possessed of immediately after my
death. Peter Smith 19 August 13th 1829
Passed before James Whitwell Esq. O.C. & C. August 23. 1821
August 24th 1821 Qualified Robert R. Gibbs Executor
End
24 69. 1821

11X⁵ In the it come of God Amos I John George H. appoldt of the City of
W²⁸ Charleston and State of South Carolina being of Sound mind & memory
and knowing the uncertainty of life and the certainty of death do make
publish and declare this to be my last Will and Testament to and in
manner and form following. I pray that after my decease I request and
desire that all my Funeral Expenses shall be paid by my Executor herein
after named as likewise all my Just debts and the said Executor to
have full power to dispose of all my property after my decease and to dis-
pose of the same in the following manner being according to my Will
and request. I then I give and bequeath unto my two Children named
Edward H. appoldt and Julia H. appoldt being the youngest. One third
of the Net proceeds of what my property may fetch after my decease -
the said One third of the amount to be equally divided between Edward &
Julia above mentioned and in case the death of either the said part of
the said property to be given to the survivor I then I give and bequeath

November 12 - 1821. November 20. 1821
Executors.