

WILL OF

NATHANIEL S. McCALL

The State of South Carolina

In the name of God, Amen I Nathaniel S McCall of the District of Marion in the State aforesaid Planter, being sick and weak in body but of sound mind memory and understanding do make this my last will and testament, as follows--

Firstly. It is my will and desire that my whole Estate shall remain undivided, until after my son William shall have attained the age of twenty one years, or until a division and partition of my property (in the manner hereinafter pointed out) shall have been made by order from the court of Equity; my Executors and Executrix hereinafter named in the mean time, to have the management of my whole Estate to receive the rents and profits arising therefrom, to provide handsomely for my family, to pay the family and plantation Expenses annually, and to let out the surplus funds at interest

Secondly I give bequeath and devise to my wife Sabrina, The plantation on which I now reside for and during the term of her natural life, and after her death to my children George William John and Sarah Elisabeth, to be divided Equally among them. share and share alike: but in the Event- that one or more of my children may be dead at the time of the death of my wife, leaving a child or children living at the time of the decease of my wife then, the child or children of such my deceased child or children to take the share or shares which his her or their parent or parents would have been Entitled to if he she or they had been living at the time of the death of my said wife; and in case that one or more of my children should pre-decease my said wife leaving no child or children living at the death of my said wife then the share or shares which my deceased child or children would have been Entitled to. if they had survived my wife to be Equally divided among my children who at the time of the decease of my wife may be living; The said plantation however not to be held and Enjoyed by my wife, in severalty, until my children William John and Sarah Elisabeth shall have Each of them received and withdrawn from the bulk of my Estate the parts and portions of my Estate hereinafter given bequeathed and devised to them and each of them

I also give and bequeath to my said wife Two negre girls named Maria

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and Winney also my household and kitchen furniture, my carriage and a pair of horses, which said personal property is to be received held and Enjoyed by my wife on the same terms and in the same manner as is hereinafter provided of and concerning the property hereinafter given bequeathed and devised to her

Thirdly I give and bequeath to my Brother James S McCall the following negroes Prince and his wife Clarinda and their seven children In Trust, Nevertheless, that my said Brother James will receive hold and manage the said last mentioned negroes for the benefit of my daughter Sarah Elisabeth on the same trusts terms conditions and limitations as is hereinafter provided of and concerning the property hereinafter given bequeathed and devised to the said James S McCall in Trust for my said Daughter

Fourthly It is my will and desire, that, before the Commissioners who may be appointed by the court of Equity proceed to divide my negroes, they select from among my negroes, two young negro girls, about fifteen years of age, one of which is to be allotted to my son William, the other to my son John; which said negro so allotted to my son William he is to receive hold and Enjoy on the same terms and in the same manner as is provided hereinafter of and concerning the property hereinafter given bequeathed and devised to him; and which said negro so allotted to my son John he is to receive hold and Enjoy on the same terms and in the same manner as is hereinafter provided of and concerning the property hereinafter given bequeathed and devised to him

Fifthly I give and bequeath to Joseph M Thomas a nephew of my wife a negro girl named Elmira with her future increase but if the said Joseph should die without leaving a child or children him surviving the said negro Elmira to be sold and the proceeds to be Equally divided among my wife and my children, but if my wife should be dead at the time of the death of said Joseph then the proceeds from the sale of said negro to be Equally divided among my children George, William, John & Sarah Elisabeth (in such division the child or children of my deceased child or children to represent his her or their parent or parents)

Sixthly It is my will and desire that, after my son William arrives at the age of Twenty one years (or in case of his death, then, at such time as he would have attained the age of Twenty one years if he had lived) a Bill shall

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be filed in the court of Equity for a division and partition of the Residue of my Estate both real and personal and of Every Kind and description what soever not hereinbefore specifically given bequeathed and devised, and I trust that the Honorable court of Equity will so order it that the said residue of my Estate shall be valued and appraised by commissioners to be appointed by the said Court, so that the said Residue may be allotted to and among my wife and children in such parts and portions as is hereinafter given bequeathed and devised to them and each of them

Seventhly It is my will and desire after division and partition of such residue of my Estate shall have been made by order from the said court that my Executors and Executrix shall allow my son William (if he desires it) to take have and Enjoy in severalty and to withdraw from the Bulk of my Estate that part or portion of my real and personal Estate hereinbefore and hereinafter given bequeathed and devised to him: and it is my will and desire that my said Executors and Executrix after giving off to my son William his share of my property (as above stated) will then keep the remainder of my property together and manage the same as directed in the first clause of this my will

Eighthly It is my will and desire that my Executors and Executrix soon after my daughter Sarah Elisabeth attains to the age of Twenty one years or marries (division and partition of the said Residue of my Estate first having been made by order from the said court) will allow my said Brother James S McCall Trustee for my said daughter Sarah Elisabeth to take and hold for the uses and purposes hereinafter mentioned that part and portion of my Estate hereinbefore and hereinafter given bequeathed and devised to the said James S McCall in trust for my said Daughter, and it is my will and desire that my Executors and Executrix after the withdrawal by the said James S McCall of that part or portion of my Estate given bequeathed and devised as aforesaid to the said James S McCall in trust as aforesaid will keep together the remainder of my property and manage the same as directed in the first clause of this my will

Ninthly It is my will and desire that soon after my son John arrives at the age of Twenty one years my Executors and Executrix will allow my said son John to take have and Enjoy in severalty, that part or portion of my Estate hereinbefore and hereinafter given bequeathed and devised to him (division & partition

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of the said Residue however, having first been made by order of said court)

Tenthly, as to the said Residue of my Estate both real and personal and of Every Kind and description whatsoever not hereinbefore specifically given bequeathed and devised, It is my will and Desire that the same be divided into four Equal parts, one part thereof, that is to say, one fourth part of the said Residue I give bequeath and devise to my wife Sabrina and she is at liberty to give the one fourth part of the said Residue or any portion of the same together with the personal property given to her by the second clause of this my will or any part thereof, to any or Either of my children by deed duly Executed in her lifetime or by her last will and testament, But if my said Wife should die, without having disposed of the said property in this clause mentioned by Deed or by will (as aforesaid) then the said property or so much thereof as may remain undisposed of by my said wife, to be Equally divided among my wife children (in such division the child or children of a deceased child or children to represent his her or their parent or parents -

Eleventhly, One other one fourth part of the said Residue of my Estate I give bequeath and devise to my son William for and during his natural life and after his death to be Equally divided among the children of the said William, who may survive him, But in the Event that the said William should die without leaving a child or children him surviving, then the said property together with the said negro given and bequeathed to the said William in the fourth clause of this my will, with the increase of the said negro to be Equally divided among my wife Sabrina and my children George John and Sarah Elisabeth, and if my son William should die without leaving a child or children him surviving and my wife should be dead at the time of the death of my son William then the said property to be Equally divided among my children George John and Sarah Elisabeth, (in such division the child or children of a deceased child or children to represent his her or their parent or parents,

Twelfthly, Another one fourth part of the said Residue of my Estate I give bequeath & devise to my son John for and during his natural life and after his death to be Equally divided among the children of the said John who may survive him, but in the Event that the said John should die without leaving a child or children him surviving, then, the said property, together with the negro given

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A bequeathed to the said John in the fourth clause of this my will to be Equally divided among my wife Sabrina and my children George Williams & Sarah Elisabeth, and if my son John should die without leaving a child or children him surviving and my wife shall be dead at the time of the death of my said son John, then, the said property to be Equally divided among my children. George William and Sarah Elisabeth (in such division the children of my deceased children to represent their parents)

Thirtiethly. Another one fourthpart of the said Residue of my Estate I give bequeath and devise to my brother James S McCall, in trust Nevertheless and for the following uses and purposes, that is to say, that he he will receive and manage the same together with the negroes/^{hereinbefore} given and bequeathed to the said James in trust for my daughter, for the benefit of my said daughter Sarah Elisabeth and that he will pay over to my said Daughter during her life and after her death to her children the clear yearly rents and profits arising from the said property. The said property not to be subject to the debts incumbrances alienations or adverse control of any Husband which my said daughter Sarah Elisabeth may hereafter have, But should my said daughter Sarah Elisabeth die without leaving a child or children her surviving then the said property to be Equally divided among my wife Sabrina and my children George William and John, and should my Said Daughter die without leaving a child or children her surviving and my wife Sabrina should be dead at the time of the death of my said daughter then the said property to be Equally divided among my children. George William and John (in such division the children of my deceased children to represent their parents)

Fortiethly Whereas it has pleased the Almighty to afflict one of my children to wit, George A McCall with lunacy, and I am advised by Physicians that it is more than probable that he will never recover or be again of sound mind, Therefore in order that he may during his life have a certain support, I do hereby give and bequeath to Moses S McCall, his Executors and administrators the sum of four hundred dollars to be paid out of my Estate annually during the life of my said son George or so long as he continues of unsound mind, In trust however that the said Moses S McCall will apply and appropriate the said annuity of four hundred dollars if so much be necessary for the support and

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maintenance of my said son George Either at the Lunatic Asylum or Elsewhere at the discretion of the said Moses S McCall, (my own wish and desire however is, that my said son George shall remain where he now is). But as it is possible that my said son George may Eventually regain his understanding and be again of sound mind, which is to be ascertained by the verdict of a Jury taken under a writ, in the nature of a writ "De lunaticis inquerendo" Then, and in that Event I give and bequeath and devise to the said Moses S McCall his Executors or administrators, so much of my Estate, to be taken from the portions hereinbefore given bequeathed and devised to my wife Sabrina to my sons William and John and to James S McCall Trustee for my said Daughter, as will make the part which my said son George will in that Event get from my Estate Equal to what Either of my sons will have remaining after Each of them have contributed towards making up the share for my said son George (not including however the negro girls given to my sons William & John in the fourth clause of this my will or what my said sons William and John may get from my wife) In trust, nevertheless, that he the said Moses S McCall will manage the property (which in the Event of my son George regaining his understanding he will be Entitled to as trustee for my said son George for the benefit of the said George and pay over to the said George or to the children of the said George, the clear yearly income and profits arising from the said property, But in the Event that my said son George (if he should ever regain his understanding) should die without leaving a child or children him surviving then the property given bequeathed and devised for the use of the said George to be Equally divided among my children William John and Sarah Elizabeth - in such division the child or children of my deceased child or children to represent his her or their parent or parents

Fifteenthly It is my will and desire that my son George shall receive no part of the Estate of my wife after her death, or of any or Either of my children after their death in case my child or children Should die without leaving a Child or children him her or them surviving, Whatsoever may be hereinbefore Stated to the contrary notwithstanding, unless prior to the death of my said wife or of any or Either of my children the said George shall have regained his understanding and become sane It being my belief that the

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aforesaid annuity of four hundred given & bequeathed to the said Moses S McCall in Trust as aforesaid will be amply sufficient for the support and maintenance of my said son George so long as he may continue of unsound mind

Sixteenthly It is my will and desire that if my said Brother James S McCall Trustee for my daughter Sarah Elisabeth shall be desirous from ill health or otherwise, of giving up the trust hereinbefore imposed upon him that, my son John if then of age will take the proper steps to have himself substituted as such Trustee in the place of the said James S McCall And if the said Moses S McCall Trustee for my said son George shall for any cause be desirous of giving up the trust hereinbefore imposed on him it is my will and desire that my said son William will take the proper steps to have himself substituted as such Trustee in the place of the said Moses S McCall

Lastly I do hereby nominate my Brother Moses S McCall, my friend William McCall and my wife Sabrina McCall the Executors and Executrix of this my last will and testament and it is my particular desire that they will qualify under it and carry out my intentions and wishes as are hereinbefore Expressed In witness that this is my last will and Testament I the said Nathaniel S McCall have hereunto set my hand and Seal to this the sixth sheet and twelfth page of this my last will and testament and my hand to the second fourth sixth and tenth pages of this my last will and testament This the 28th day of November in the year of our Lord one thousand Eight hundred and forty Eight-

Signed Sealed published and
declared by the above named
Nathaniel S McCall as his last
will and testament in the pre-
sence of us who have hereunto
set our hands as witnesses there-
to, in the presence of the said
Nathaniel and of each other The
word ("wife") on the sixth page
being first above Stricken out,
and the word "hereinbefore" on
the Eighth page being first a-
bove interlined

Nath. S. McCall (SEAL)

T B Reynauorth
S A Lane
Thos. M. Lane

Recorded in Will Book 2, Page 109
Sworn to on May 12, 1849
Edward B. Wheeler, Ordinary
Roll No. 399