

I, David Russell, of the State aforesaid, and District of Anderson, being of sound mind, but feeling the uncertainty of life, do make, constitute and declare this to be my last will and testament, that is to say:

ITEM 1. I desire all my just debts to be paid by my Executors, hereinafter named.

ITEM 2. I desire, and so direct my Executors that each of my children hereinafter named, all living at the time of my death, shall be made equal in my estate, and for that purpose that each shall be required to account for all advancements made by me, according to a schedule which will be kept and left by me.

ITEM 3. I give and bequeath to my son Thomas H. Russell my negro boy by name Harry about three years of age.

ITEM 4. I give and bequeath to my son David M. Russell my negro boy named John about three years of age.

ITEM 5. I give and bequeath to my son David M. Russell, his heirs, executors, &c., my negro girl named Mary, about six years of age, together with her future issue and increase, to have and to hold the said slave and her issue and increase, in trust nevertheless, for the sole and separate use and benefit of my daughter, Eliza A. Zachary, wife of James Zachary, during her natural life, and at her death to be equally divided among such issue as she may have living at her death, share and share alike, the issue of a deceased child to take the parents share.

ITEM 6. I give and bequeath to my son David M. Russell, his heirs, executors, &c., my negro boy named Stewart, about four years of age, to have and to hold the said slave in trust, nevertheless, for the sole and separate use and benefit of my daughter, Nancy L. Fretwell, wife of Joseph T. Fretwell, during her natural life, and at her death to be equally divided, by sale or otherwise, among such issue as she may have living at her death, share and share alike, the issue of a deceased child to take the parents share.

ITEM 7. I give and bequeath to my son David M. Russell, his

heirs, executors, &c., my negro girl named Clarissa, about five years of age, together with her future issue and increase, in trust nevertheless, for the sole and separate use and benefit of my daughter Mary A. Gaines, wife of Richard L. Gaines, during her natural life and at her death to be equally divided among such issue as she may have living at her death, share and share alike, the issue of a deceased to take the parents share.

ITEM 8. I give and bequeath to my son David M. Russell, his

heirs, executors, &c. my negro girl named Ann about seven years, together with her future issue and increase, in trust nevertheless, for the sole and separate use and benefit of my daughter Emily A. Lawrence, wife of James W. Lawrence, during her natural life, and at her death to be equally divided among such issue as she may have living at her death, share and share alike, the issue of a deceased child taking the parents share.

ITEM 9. If my wife Mary Russell survives me, then I give and

bequeath to her all the rest and residue of my estate real and personal, during her natural life. And I also desire my son David M. Russell to live with her on my farm on Little Beaverdam Creek and to give so much of his personal attention to her and her affairs, as may be necessary for her comfort, and for this attention and service, if rendered, I do hereby will and devise to him, after the death of my said wife, the said plantation, over and above his equal share of my estate. But if my said wife should not survive me, I will and direct my said Executors as soon after my death as may be practicable, to have such slaves as I may die seized and possessed of, other than those specifically bequeathed, appraised by three good and impartial men, selected by them, and the said slaves to be allotted to my said children at such appraisement. If not slaves enough for all and each of my said children, the deficiency in value to be made up from other property, such other property to be sold and together with my ready money, if any, notes, bonds, &c. to constitute a fund from which my children are to be equalized, according

as Trustee of my several daughters above named to permit them and each of them to have the use and possession of the slave or slaves herein bequeathed, in lieu of the hire thereof, if they or either of them so desire. And also, that as Trustee as aforesaid, he shall have the power in each case to change the nature and kind of the property, upon the written request of either of my said daughters interested in the property and to reinvest the same upon the same trusts and limitations. And if my son David M. Russell should die, that a new Trustee or Trustees may be appointed by my said daughters or either of them, with the consent of his personal representative.

ITEM 11. If any of my children named in my said will should die before the final division of my said estate, leaving issue surviving them or either of them, then I will and desire and so give and bequeath to such issue the share in my estate which their, his or her parent would have been entitled to if living.

ITEM 12. I do hereby appoint my son Thomas H. Russell and my friend J. W. Harrison my Executors.

In witness whereof I have hereunto set my hand and seal this 8 day of Decbr, A. D. 1869.

Signed sealed acknowledged & declared before us

MORGAN HARBIN.

JAMES YOUNG.

EDMUND M. McCRARY.

DAVID RUSSELL. (I.S.)

SOUTH CAROLINA. )

PICKENS DISTRICT. )

PERSONALLY appeared before me Morgan Harbin who being duly sworn says on oath that he was present and did see David Russell sign and seal the foregoing instrument as his last will and testament and that James Young and Edmund McGrary were present and saw the same and that they all three signed their names thereto as witnesses in presence of each other and the testator.

SWORN to and subscribed before me July 30th 1860.

MORGAN HARBIN.

W. E. HOLCOMBE. O.P.D.