

LAST WILL AND TESTAMENT OF SAMUEL EARLE.

SOUTH CAROLINA. ) A testamentary Division of the Estate  
PICKENS DISTRICT. ) of Samuel Earle.

Taking into consideration the uncertainty of human life, and to how many accidents its daily exposed, and having a large family to provide for, I have thought proper while in good health and in my proper senses to make the following Division of my property.

1st. In addition to the Land stock and other property heretofore given my eldest son Baylis John Earle, I now give him a Negro fellow (Joe) & a wench (Sissy) and their three oldest children and all their present and future increase and all the property claimed in his life time by his Brother Andrew Pickens Earle (which he was never able to recover) either here or elsewhere, whose grave in Ashville in Alabama I enjoin it on him to have enclosed in a strong stone wall.

2ndly. In addition to the money heretofore advanced to my son Morgan Priestly Earle to set him up in business I now give him all my Lands & lots in & about Andersonville including the one bought of McFarland the balance of the price if any remaining at my Death to be paid by my executors out of money which will come into their hands belonging to my estate out of which they will also pay him One Thousand Dollars in Cash.

3dly. I give to my son Elias Theron Earle all my Land on North Fork Saluda whereon Reuben McKensie now lives composed of part of different tracts amounting in the whole agreeable to a survey & plat made by Mr. George Salmon to (I believe) Eight Hundred and Twelve acres and the family negroes now on it (viz) Harry & his wife (Phoebe) & their six children and their future increase and all the Stock of all kinds plantation tools of all sorts, which (McKensie who has it now rented) is by agreement to return to me the whole to be given up to Elias when McKensie time is out. My Executors will also pay him Eight hundred Dollars at that time.

4th. To my sons Samuel Maxey Earle and Edward Hampton Earle I give as joint Tenants the whole of my Land in the Fork of Saluda whereon James Harrison Earle composed of different tracts but all joining ~~together in one~~ (I believe) ~~comprised~~ Fifteen Hundred acres or perhaps more, including a small piece Jas. in his life time purchased of one Keith. Also three Hundred Acres in Pickens Co. opposite where Jas. lived, purchased by me from John Wheeler and John Hanks, whereon Edward Hooper now lives, the titles for the whole are in my possession and I believe tied up together. To them also (Jointly) the whole of the negroes now hired to Mr. Terry & their increase untill divided between them, the Land and Negroes to be divided between them as soon as Mr. Terry's time is up, and also the Stock & Grain & Tools & everything to be returned By Mr. Terry to me, the Division of the whole to be made as nearly equal in value as possible By Baylis John Earle, Mr. Abrahm Blythe, Mr. Robert S. C. Foster, Mr. David Terry & Mr. Benj'n Hagood or any three of them, the concurrence of any three to be binding on the parties after the division is made I request Baylis John Earle for Samuel & Mr. Robert S. C. Foster or Abrahm Blythe or Mr. Benjamin Hagood for Edward to draw out for the choice of the property and whichever wins to take choice for party they represent - & I request Baylis John Earle himself, or to appoint some confidential agent to superintend the property for the children untill they can take charge of it themselves, whenever they arrive at the age of Twenty one my Executors will pay Samuel Maxey Earle Seven Hundred dollars and Edward Hampton Earle Eight Hundred dollars.

5th. To my Daughter Damaris Meriam Earle I give Two Tracts of Land on Concoose one purchased of Abner Crosby the other of Wm. Deal the two containing agreeable to a survey made Mr. Kilpatrick four Hundred & four Acres also a Tract on the Col'n Fork got of my father but Granted to Peter Gray. Also a tract on Miers Mill Creek where Eli Vandefort lives, containing Seven Hundred Seventy Six Acres.

6thly. I give to my Daughter Sarah Maria Earle & Harriet Earle the whole of the Tract of Land on which I live composed of part of some & the whole of other Tracts but all joining, to be divided between them by the Beverdam Creek, from where my line crosses it near Jas. Wrights, up to the mouth of the Middle Fork of the Beaverdam then up that by Readers Machine to Wards line, Maria to have the whole of the Tract including Jacksons place next to Toogooloo & Harriet all on the side next Seneca including Fifty Acres purchased of Henry Mires - & to them as Joint tenants the whole of a Tract purchased at Sheriffs sale as the property of An'd Boadin except one Hundred Acres sold John Mires, also what may be held of a Tract of one Thousand Acres granted to John H. Harrison & myself - Also a tract purchased of Samuel Misser but granted to me joining Old Abner Honea & others, to be divided between them when either Marries or sooner if they think proper.

7thly. To my Grand daughter Harriet, daughter of John Maxwell I give a Negro woman (Betty) & her son Marlow now in possession of John Maxwell, & to my Grand daughter Harriet, daughter of Robert Maxwell, I give a Negro fellow Mark now in possession of John Maxwell to be given up to Rob's at my Death & the second girl child has of a wench of mine to be kept by him when the remainder of the family are given up to my Executors.

8thly. To the children of John Lumpkin Gill of Alabama I give a Tract of Land on Long Nose conveyed <sup>them</sup> some time ago, the Grant to me & conveyance to them, will be found among my papers. Also three lots in the Village of Andersonville pointed out by papers perhaps a conveyance which will also be found among my papers my Executors will pay to himself Three Hundred Dollars in cash.

9thly. I have Two Thousand Acres of Land immediately on & near Benson's Turn Pike, at Douthets Gap I give it to Elias Samuel & Edward as Joint tenants to be divided among them when & how they think proper.

Its hereby declared to be my intention, where any of my Daughters shall Marry & die without issue capable of inheriting

that all the property given them by me & its increase shall take the same legal course of descent as if they never had been married. -

Its also declared to be my wish and earnest desire that Baylis John Earle shall carry fully into effect the Deed of Trust given him & his brother Jas. in his life time with respect to the children of John & Robert Maxwell named in it, & I do request Mr. Thomas Harrison to assist him in the strict and legal execution of it.

Its my desire that all the Household & Kitchen furniture belonging to me, at my death shall be divided as equally as possible by my Executors between my three youngest Daughters.

Its my desire that whatever may be now due or which may grow due for three years from the first day of January next for the place on

the No. Fork Saluda at present rented to Reuben McKensie be applied

under the direction of Baylis John Earle to the support and education

of Samuel Maxey Earle, and as Baylis will have the trouble of super

intending the whole he may, if he chooses change the Tennant, adhere

ing to all the present Reservations in favour of the plantation &

Improvements Stock Negroes Tools &c.

Its my desire that whatever after my Death may be due for rent

on Saluda or which may grow due for three year from the first day of

January from Mr. David Terry & Mr. Edward Hooper or which by any

future arrangements made by my executors may in that time become due

be applied under their direction to the Schooling & Support of Elias

Theron & Edward Hampton Earle in such manner and proportion as a

majority of them may think proper.

Its my desire that immediately after my Death my three youngest

Daughters should choose guardians for themselves to whom my Executors

shall deliver the property which shall fall due to each, after a

division is made as is hereinafter directed.

Its my desire that if there is no crop in the ground at the time

of my Death, my Executors shall as soon after as is convenient collect

the whole of my negroes not herein before disposed of, let them be

where they may, and divide them as equally in value as possible

(seperating no can be nor if it can be avoided seperating no small children from their parents) into three lots exempting from the division (Amos & his wife) who I hope my children will settle on some part of their convenient to the most of their children & when they can't provide for themselves do it for them so that they may never want, they having assisted me faithfully in training them (reserving to Baylis J. Earle) the right of substituting for division two others of equal value in place of two he now has the youngest of (Joe) & Sidneys children after the whole is laid of in three lots my three youngest daughters will proceed to draw cuts for choice untill they are divided between them, themselves or their Guardians as they think to choose for them they must then be given up to them or their guardians and become the exclusive & individual property of each as they were drawn. All grain growing or Housed, Stocks of all kinds plantation Tools of all sorts to be divided among them in the same manner, unless some more eligible & satisfactory method can be adopted.

Its my desire as soon as it can be Legally done after my Death, my Executors do proceed to collect all the money due me at that time let be by whom or where it may, except what is Specifically reserved for the Samuel M. Earles use, pay of all I owe and the Legacy to Priestly & John Lumpkin Gill, put & keep at interest the Legacies left Elias Samuel & Edward untill they severally arrive at the age of twenty one to be paid over to them with the interest as they arrive at that age, the whole of the balance being intended for my three youngest daughters, as soon as the whole is collected, they will in the division of it give Miriam & Maria Three Hundred Dollars each, more than Harriet, on account of the difference in the Improvements on their land, and as a proper choice of Guardians is of vast importance to them I beg the favour of my Executors to advise them & I do request them to see that they have all the security for their property the law will afford them and as its possible before then much changes may take place as will justify my giving some of the Legacies what may be intended for them, in that case they will have no claim to any provision made for them in this Instrument, & I do now

declare this to be my last Will and Testament & do ordain, constitute and appoint as my Executors to it & to carry into effect, Wm. Choice, Esquire, of Greenville Jesse P. Lewis of Pendleton Village, John Maxwell, Baylis J. Earle & Elias T. Earle as soon as he is of age, and altho' not a very desirable office, I hope they will agree to act.

Given under my hand and seal this 15th of Nov'r 1831.

Signed sealed and acknowledged

in presence of

SAMUEL EARLE. (SEAL)

PHILIP SMITH.

WILLIAM SMITH.

SILAS SMITH.

SOUTH CAROLINA. )

PICKENS DISTRICT. )

By James H. Dendy, ~~Assistant~~ Pickens District.

Be it Remembered, that the within will of Samuel Earle, deceased, was proven by the oath of Philip Smith, one of the subscribing witnesses to the within Will. 10th March 1834.

J. H. DENDY. O.P.D. (LS)

QUALIFIED Baylis John Earle one of the persons named in the within will as Executor of the same. 11th March 1834.

JAS. H. DENDY. O.P.D. (LS)

RECORDED 11th March 1834 in Pickens District Will Book No. 1, pages 26 to 30 inclusive, and examined and certified by

JAS. H. DENDY. O.P.D.