

IN THE NAME OF GOD, AMEN:

I, Robert D. Maxwell of the State aforesaid and District of Pickens, being of sound mind and memory and considering the uncertainty of life do therefore make ordain publish and declare this to be my last will and testament, that is to say -

ITEM 1st. I desire all my just debts to be paid by sale of property hereinafter directed or from collection from such debts as may be due me.

ITEM 2. I desire and direct my Executrix and Executors hereinafter named to sell my Beaverdam or homestead tract of land and all such personal property on either or both of my plantations (except slaves) as may not be necessary for the comfort, support and maintenance of my family the proceeds to be applied if necessary to the payment of debts if not then to be invested for the joint use and benefit of my wife and children as provided for in the following clause -

ITEM 3rd. I give and bequeath all the residue of my estate real and personal (after payment of debts) to my wife Lucy C. Maxwell during her natural life or widowhood for the joint use benefit and support of herself and my children. If my wife Lucy C. Maxwell should marry again, then upon the happening of such an event or within a reasonable time thereafter, I will and direct that my entire estate real and personal shall be sold by my Executrix and Executors and the proceeds thereof together with any other fund arising from former sales or collections of debts shall be divided equally between my said wife and all my children, the child or children of any deceased child, taking the share which the parent would have been entitled to if living, or if deemed more beneficial to my said wife and children, that the said real and personal estate may be partitioned in kind between them at a fair and proper valuation. The shares of each of my daughters in the said real and personal property or the proceeds thereof to be held in trust by my Executors as hereafter directed.

ITEM 4.

If my wife Lucy C. Maxwell should not marry I will and desire that my sons, David S., John, Jefferson D. and James H. shall each have delivered to them as they severally attain their majority, two negro boys, one of whom shall be a tradesman for each son if practicable the ~~same~~ ^{same} to be valued and accounted for at such valuation by my said sons in the final distribution of my estate. And I also give to my Executors or the survivors of them, for the sole and separate use benefit and behoof of each of my daughters, Eloise V., Sarah M., Eugenia M., and Harriet A., two negro girls to be held by my Executors in trust for my said daughters as above during their natural lives, and upon the death of either or any of my said daughters, then the said slaves with their issue and increase to be divided equally among such issue as my ^{said} daughters may have living at the time of the death of such daughter or daughters, , or in default of such issue living at ~~the~~ ^{the} death of such daughter or daughters, then the said slaves with their issue and increase to be equally divided among my surviving children, the child or children of any deceased child to take the share to which their parent would have been --- to if living. The said two negro girls for each of my said daughters to be taken into possession upon the marriage of my daughters severally or upon their attaining majority severally, and from the happening of either of the above contingencies, the said two negro girls each to be valued and from that time forth to be allotted, and held by my said Executors for each of my said daughters upon the trusts declared above and to be accounted for at such valuation at the final distribution of my estate. And I also will and devise that the entire share of each of my said daughters in my entire estate shall be held by my Executors upon the same trusts hereinbefore declared.

ITEM 5.

I will and devise that upon the death of my wife Lucy C. Maxwell, that the residue of my estate real and personal shall be equally divided among my children, either by partition in kind, or ~~and~~ ^{sale}, in such manner that each child shall be made equal in my estate having due regard to advancements received under my will, the child or children of any deceased child representing their parent or parents.

ceive a collegiate education and a profession, the cost of which over and above his equal support and maintenance with my other children shall be defrayed out of his share in my estate, and if this is deficient then I will that my Executrix shall advance him such deficiency out of any fund belonging to my estate, to be charged against debt, -- which he must account.

ITEM 7. I will and desire, and hereby do, that my Executrix and Executors or such of them as may qualify, to sell at any time, any of my ~~property~~, real or personal, and to reinvest the same, according to the terms of this will, if deemed beneficial to my wife and children.

ITEM 8. I do hereby nominate and appoint my wife Lucy C. Maxwell and ~~my friend~~ my Executrix and my brother John H. Maxwell and my friend James E. Hagood Executors of this my last will and testament, and desire that my Executrix shall manage the affairs of the said estate under the ~~advice~~ and supervision of my said Executors, during her natural life or widowhood.

In testimony whereof I have hereunto subscribed my name and affixed my seal this June 3rd day of 1859, in the year of our Lord one thousand eight hundred and fifty-nine.

In presence of:

MORGAN HARBIN.
E. M. MCCRARY.
SAM'L E. MAXWELL.

R. D. MAXWELL. (SEAL)

SOUTH CAROLINA.)
PICKENS DISTRICT.)

PERSONALLY appeared before me, W. J. Parsons, Ordinary of the State and District aforesaid, Sammel E. Maxwell and made oath in due form of law that he was present and did see Robert D. Maxwell, late of Pickens District, deceased, sign, seal and publish the within and foregoing will to be his last will and testament and that Morgan Harbin and Edward McCrary was present and saw the same and that they all three signed their names to the same as witnesses in the presence of each other and the testator.

SWORN to before me this the
first day of August, A.D. 1859.

S. E. MAXWELL.

W. J. PARSONS, O.P.D.