

SOUTH CAROLINA)

RICHLAND DISTRICT) IN THE NAME OF GOD AMEN I Frances Marks of Columbia in the District and State aforesaid declare the following to be my last will and testament to take effect from and after my decease.

1.- I devise and bequeath the whole of my estate real and personal to my two sons Alexander Marks and Dr. Frederick Marks upon the trusts hereinafter declared.

2nd. The property thus devised and bequeathed is as follows, my house and lot in Columbia on Richardson Street near the Branch Bank, bounded South by J. J. Kinsler and North by Charles Becks lot. Also my house and lot in Charleston at the South East

corner of King Street and John Street, the house being a three

story brick building and now rented to John A. Cook for five

years, Also the following seventeen Negroes, to wit- John,

Elvira, Susan, Sarah, Charles, Lewis, Lyddy Mary, John Bill

which two last are the children of Elvira; Sarah, Elsey and

little Ned, who are the children of Susan; also James and

Benjamin the children of Sarah, Catharine the daughter of old

Mannah and William the child of Catharine also my silver tea

set and silver ware, my furniture my cash in Bank or elsewhere,

and all debts due to me, and all the rest and residue of my

property which may have been accidentally omitted in the forego-

ing enumeration, together with any other property I may acquire

before my death, whether by the natural increase of the negroes

before mentioned or otherwise.

3- It is my will and desire that my sons Alexander Marks and

Dr. Frederick Marks shall hold the property above mentioned

upon the following trusts, that is to say in trust that my whole

estate shall be equally divided between the families of the

said Alexander Marks and Dr. Frederick Marks, so that the family

of Alexander Marks shall be entitled to one half thereof, and the family of Dr. Frederick Marks to the other half; and I devise and bequeath to my Son Alexander Marks one half of my said estate real and personal in trust for the sole and separate use of his wife Hetty Marks for the term of her life and at her death in trust for my grandchildren, the children of the said Alexander and his wife to wit- Eliza, Julia, Isaac, Joseph, Frederick, Jacob, David, Theodore, Edwin and Marion; the issue of any child who may die before me, or before attaining twenty one years to take their parents share. And no child shall be entitled to have possession of his share, until he or she shall attain twenty one years, unless their said trustee shall otherwise direct as this provision is intended for the support and maintainance of the family no account for rents and profits shall ever be required of the said trustee by any child until such child attains twenty one years, and then only from that period and from and after the death of their Mother.

4- I devise and bequeath to my son Dr. Frederick Marks the other half of my said estate real and personal in trust for the sole and separate use of his wife Ann L. Marks for the term of her life, and at her death in trust for my grandchildren, the children of the said Dr. Frederick Marks and his wife, to wit- Frances, Rebecca, Frederick Humphrey, Oscar, Elizabeth, Thomas Humphrey and Edgar; the issue of any child who may die before me, or before attaining twenty one years of age, to take their parents share. And no child shall be entitled to have possession of his or her share until attaining twenty one years of age, unless their said trustee shall otherwise direct. As this provision is intended for the support and maintainance of the family, no account for rents and profits shall ever be required of the said trustee by any child until such child shall attain

twenty one years of age, and then only from that period, and from and after the death of their Mother .

5- In order to envoid law expenses for partition I hereby authorize my sons Alexander and Frederick to divide my estate themselves into two equal parts, in such manner as my seem to them best, and with power to sell any portion of my estate for the purpose of such division, which division when made in writing shall be binding upon all Parties haveing an interest in my estate In like manner each shall have authority to allot to a child when entitled is or her share of my estate.

6- I have not enumerated old Hannah among the trust negroes to be divided, because by reason of her increasing age and infirmities she is not a productive part of my estate, but rather a charge I bequeath old Hannah to Dr. Frederick Marks in trust for his son Edward, not doubting that my said son will take care of her and treat her with indulgence as humanity requires.

7- I bequeath five dollars to my son Dr. Elias Marks His prosperous condition in life renders it unnecessary that further provision should be made for him, whereas the circumstances of his brothers Alexander and Frederick are ~~deprived~~ straitened and their families large.

8- whereas I have heretofore given by deed to Eliza the daughter of my son Alexander Marks a negro named Sophy now in order to effect the equality which I contemplate between the families of my two sons. I⁺ bequeath little Hannah about twelve yearsold, the daughter of Elvira to my son Dr. Frederick Marks in trust for my grandchild Frances the daughter of the said Frederick, little Hannah being of rather less value than the said Tophy.

9- I bequeath to my son Dr. Frederick Marks my gold watch, chain and the trinkets appertaining thereto, in trust for his daughter Rebecca, the wife of Richmond Hawley, and to be delivered to her when she shall attain the age of twenty one years.

10- I constitute my sons Alexander marks and Dr. Frederick Marks Executors of this my will.

LL*

11- I hereby revoke all wills by me heretofore made and declare the same to be null and void, and that this alone is my last will and testament.

In witness whereof I have hereunto set my hand and seal this twenty seventh day of February 1850.

Signed, sealed and published by ^{her} Frances x Marks
mark

the testatrix as her last will and testament in our presence, who in

her presence, at her request and

in presence of each other have

hereunto subscribed our names as

witnesses- the word Eighteen on

the first page erased and seventeen

inserted before execution

(witness to Mrs Marks
cross Mark)

Robert W. Gibbes.

Robert W. Gibbes

N. Ramsey

David S. Yates

I Alexander Marks do solemnly swear that this Instrument of writing is the last will and Testament of Frances Marks deceased according to the best of my knowledge and belief- that I will well and truly execute the same by paying first the debts and then the Legacies contained and that I will make and render a true account of my Actings therein when requested by law

Alexander Marks

Sworn to before me

11 July 1850

James S. Guignard - Ordinary.

SOUTH CAROLINA)

RICHLAND DISTRICT) Personally appeared Robert W. Gibbes and

made oath that he saw Frances Marks sign seal publish pronounce and declare the foregoing Instrument of writing to be her last will and Testament, that she was then of sound and disposing mind and memory according to the best of this Deponents knowledge and belief and that he with Nathaniel Ramsay and David S. Yates at the request of the Testatrix in her presence and in the presence of each other witnessed the due execution thereof

Robert W. Gibbs

Sworn to before me 15 June 1850

James S. Guignard Ordinary

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