

In the Name of God Amen. I Jesse Malachi Howell of the District and State aforesaid planter, being of sound and disposing mind and memory do make and ordain this my last will and testament in manner and form following that is to say I give devise and bequeath unto Wade Hampton the younger and Benjamin F Taylor and to the Survivor of them, and so the Executors, but if there be none then to the heirs of such Survivor the whole of my estate real and personal of what nature or kind so ever it may be, which I shall be possessed of interested in or entitled unto at the time of my death In Trust nevertheless and to and for the uses intents and purposes hereinafter expressed of and concerning the same and none other whatever that is to say In trust to pay all my just debts; and upon the further trust out of any money in their hands to pay an annuity or yearly sum of one Thousand Dollars clear of all taxes or deductions whatever into the proper hands of my dearly beloved wife for and during the term of her natural life, or so long as she lives sole and unmarried in addition to the further provision herein after made for my said wife; and upon the further Trust that from and immediately after my decease my said Trustees shall purchase a small tract of land in a healthy situation near Columbia, and assign the same to my said wife to be held for the same term and upon the same conditions as are annexed to the bequest of the annuity, and that my said Trustees shall cause to be built thereon a comfortable dwelling house for the residence of my wife and her children with all requisite out buildings, fences etc, or if a suitable place cannot be purchased, or my said Trustees shall think it more advantageous to my estate to lease that in such case they shall lease such a tract of land with a comfortable dwelling house and out buildings thereon for a term of years renewable during the life or widowhood of my said wife, and to be

assigned to her as aforesaid. And upon the further trust that the said Trustees shall assign and deliver to my said wife for and during the term aforesaid the following slaves to wit Nancy the cook, Lissa of Christian, Sarah, Anna, Virginia Charles, Billy of Peggey and old Christian--- and my carriage and carriage horses, and the whole of my house hold and kitchen furniture and utensils, beds bedding, table linen, china and earthen ware and jewelry of what nature or kind soever: and it is my will that from and immediately after the death or marriage of my said wife the said annuity shall cease, and the land houses, goods and chattels hereby devised and bequeathed to her shall sink into, and become part of the residue of my said real and personal estate, and be held and possessed by my said Trustees ~~Colonel Wade Hampton~~ Benjamin F. Taylor or the Survivor of them, or the Executors or heirs of such survivor upon the trusts and to and for the intents and purposes herein declared concerning the rest and residue of my real and personal estate devised and bequeathed in trust for my children. And it is my will and I do hereby direct that my said Trustees do sell the whole of my personal estate (not herein bequeathed to my wife and daughter Mary at public auction for the best price that can be got for the same, upon a credit of one, two, three and for years, taking bonds and mortgages with interest from the day of sale payable annually, and personal security from the several purchases to secure the payment of the purchase money. It is my desire that my Trustees before named will use their discretion as to the most favorable period to make sales of my said personal estate, and also as to the place of sale, for which purpose they are hereby invested with power to remove the negroes to any part of the United States or the Territories thereof. And it is further my will and desire that as soon as any of my children arrive at the age of twenty one years or marry that the said Trustees shall divide my per-

sonal estate into as many parts as I shall have children whether now born or hereafter to be born, (Mrs. Martha S. Means excepted) who shall be living at the time of my death, or having died shall have left issue and assign one of those parts or shares to each of my sons who shall be then living, as they shall attain twenty one years of age, absolutely: and that the said Trustees shall permit each of my daughters Mary Howell, Eppes Goodwyn Howell, Jesse Malachi Howell, Grace Howell, Harriett Howell and Lucy Howell, who shall be then living, upon their respectively attaining the age of twenty one years or marrying to take, have, and receive the annual interest of one of the said parts or shares yearly during their natural lives, and upon the death of any of my daughters last named, leaving lawful issue ^{alive} at the time after death, I desire that my said Trustees do assign one of the said parts or shares to such lawful issue absolutely share and share alike, as such issue shall respectively arrive at the age of twenty one years or marry, without further trust or condition: and if any of my daughters last named should die without leaving lawful issue alive at the time of her death, it is my will and desire that the share of the said personal estate, of which she was permitted to receive the interest during her life shall be divided among her surviving brothers and sisters (Mrs Martha S. Means excepted) and the issue of such as may have died before her, share and share alike, but such issue taking among them the share to which their parent would have been entitled and it is further my will and desire that the share to which my daughter Mary Howell will be entitled shall remain in the hands of the said Trustees until one of my Sons shall attain the age of twenty one years, upon the occurrence of which event my said son shall receive the share of his said sister Mary Howell for her; and upon the death of such son, the next who shall attain twenty one years shall

succeeded his brother in the said trust ; and I confide the
care of my said daughter to the duty and affection of her
said brothers: And upon the death of my said Daughter Mary
Howell I bequeath her share (the provision in a preceding
clause to the contrary notwithstanding) to my sons who shall
be at that time alive, and to the issue of such as shall be
dead, they taking among them their parents share-- I reserve
however a right to my daughter Mary Howell to give by will
or otherwise a small legacy or token of remembrance to either
or all of her sisters then alive, not to exceed one hundred
dollars each. And it is further my will and desire and I
do hereby direct that the two plantations or tracts of land
which I derived by purchase from James Taylor and Jesse P.
Taylor, bounded by the Congaree river, and by the lands of
Wade Hampton Junior, Thomas Heath and John Threewitt,
conveyed by the said Trustees in fee simple to my sons
William Howell and Malachi Howell, and that possession there-
of be delivered to them when the first shall have attained
twenty one years of age. And it is my will and desire that
if the said plantations or tracts of land shall be of greater
value than one half of the whole real estate I shall be pos-
sessed of at my death, that my said sons shall pay in one
two, three and four equal annual instalments which shall be
at interest as they respectively become due the difference
in value to my daughters Mary Howell, Eppes Goodwin Howell,
Jesse Malachi Howell, Grace Howell, Harriett Howell and
Lucy Howell; and that if the said plantations shall be of
less value than one half of the said real estate, that the
difference shall be made up in like manner to my said sons
by the said sisters. And it is further my will and desire
that if another son shall at any time hereafter be born
unto me, my said Trustees shall convey in fee simple to such
son and to my sons William Howell and Malachi Howell before
mentioned the said tracts of land which I derived from James

Taylor and Jesse P. Taylor and also as much more of my real estate as will make their joint share equal to five ninths of my said real estate in value. And as to the remainder of my real estate it is my will and desire, and I do hereby direct that the said Trustees shall permit ~~my daughters now born or hereafter to be born~~ (Mrs. Martha S. Means excepted) to take and receive among them in equal shares the rents and profits thereof during their lives; and immediately after the death of any one of my said daughters, leaving issue alive at the time of her death it is my will and desire that the said Trustees convey to such issue in fee simple share and share alike such portion or share of the said remainder of my real estate as their mother would have been entitled to, had the said remainder of my real estate been directed to be equally divided among my daughters aforesaid; and it is my desire that they be put in possession thereof as they respectively attain twenty one years of age or marry. But if any one of my daughters (Mrs. Martha S. Means excepted) shall die without leaving issue alive at the time of her death, it is my will and desire that that the share of the daughter so dying without issue shall sink into the said remainder of ~~the~~ my real estate above bequeathed to my daughters, and be subject to the provisions herein made in relation to the same. But if so many of my daughters shall die without leaving issue alive at the time of their deaths as will make the shares of the survivors in my real estate respectively greater than the respective shares above allotted to my sons, in that event it is my will and desire that the share of a daughter dying without leaving issue alive at the time after death shall be divided equally among my then surviving sons and daughters (Mrs. M. S. Means excepted) and the issue of any that shall have died leaving issue they taking among them their parents share. And if it so happen that all my dau-

ughters shall die without leaving issue alive at the time of their deaths, it is my will and desire that the portion of the real estate intended by this will for my said daughters shall be conveyed in fee simple to my said Trustees to my sons then surviving, and the issue of any that shall have died, such issue taking among them a parents share. But upon the death of my daughter Mary Howell without leaving issue alive at the time of her death I devise and bequeath the interest in the remainder of my real estate above secured to her to my sons then living, and to the issue of any one that may then be dead, such issue taking among themselves to be divided equally share and share alike their parents part. And it is further my will and desire that in case of the death of any of my children aforesaid before they arrive at the age of twenty one years, or without leaving lawful issue alive at the time of their death that the share or interest of such child or children shall be divided and apportioned among my surviving children,) Mrs. Martha S Means Excepted) as is herein before directed. And it is my will and desire that if all my sons, or all my daughters excepting (Mrs. M. S. Means) should happen to die without leaving lawful issue alive at the time of their death, that my surviving sons or my surviving daughters as the case may be (Mrs. M. S. Means excepted) shall be entitled to, and receive the whole of my estate real and personal, and my said Trustees shall convey to them the same upon the same terms, and in the same manner, and with the like limitations and restrictions as are herein before directed concerning the shares or interests of my sons or daughters in the same. I give and bequeath to my daughter Martha Sarah Means the sum of Ten Dollars---This bequest is made and is intended to be in lieu and Bar of all claims she may have against my estate, and in lieu of all her rights and interests in my estate as one of my children

recourse to law concerning the partition or division of my said estate, I do hereby nominate constitute and appoint the said Wade Hampton the younger and Benjamin F. Taylor or the survivor of them, and the Executors of such ~~will~~ ~~will~~, survivor, and if there be no Executors, or they shall die, then the heirs of such Survivor, being of the age of twenty one years to make all divisions or appraisements of my said estate of any part thereof in all cases in which divisions or appraisements may be necessary to carry into effect the provisions of this my will. And it is further my will and desire, and I do hereby direct that every interest benefit and advantage hereby devised and bequeathed or reserved to and for the use of my daughters or any of them, shall in case they or either of them intermarry with a Foreigner, or one who is not a native born citizen of the United States of America or of the Territories thereof, sink into the residue of my estate, and be divided and distributed in the same manner as if such daughter or daughters had died under the age of twenty one years, or without leaving lawful issue alive at the time of their death; such forfeiture being confined to the daughter or daughters who shall marry as aforesaid. And it is further my will and desire and I do hereby direct that from time to time as money may come into the hands of my executors from the sales of my estate hereby directed to be made, or from the sale of any crops or crops on hand at the period of my decease or from outstanding debts or otherwise however, after providing for the payment of my just debts, and defraying the necessary expenses of the maintenance and education of my children, which I wish to be liberal and extensive, that the same be laid out and invested in Bank Stock or other good public securities of the United States or of this State, as will be most beneficial for my said children, my daughter Mrs. M. L. Means however not being intended to be embraced

in this provision. It is further my will and desire, and I do hereby direct that the provision made for my said wife by this will shall be and be and be taken in lieu and bar of all claim of dower to any part of my estate. And it is further my will and desire that my daughter Mary shall have and receive the following negroes to wit Yellow John, Mary his wife, Frederick, Jane, Eliza, Nupery and their future issue and encrease of the females upon the same terms and conditions and with the like limitations as are prescribed in the clauses of this ~~and~~ will where provision is made for her out of my personal estate. I desire that wherever the word issue occurs in this will it shall be understood to mean legitimate issue. And I hereby nominate constitute and appoint my friends ~~Colonel Wade Hampton and Benjamin F Taylor~~ Executors of this my last will and testament, and Guardians of my children with as full power to act for them, as if they had been appointed such Guardians under the authority of any Court of this State. And I hereby revoke all wills by me heretofore made, and declare this to be my last will and testament written upon three sheets of paper, upon each of which my name is signed in my proper hand. In Testimony whereof I have hereunto set my hand and affixed my seal this twenty first day of May in the year of our Lord one thousand Eight hundred and thirty four.

J. M. Howell.

Signed sealed published and declared by the Testator Jesse M. Howell to be his last will and testament in our presence who in his presence and at his request have hereunto subscribed our names as witnesses: the following alterations having been made by the Testator before signing the same to wit the words "then living" in the 38th line of 1st page erased and an interlineation made between that and the 39th line-- and on the second page interlineations between the 22. and 23 line: between the 24th and 25th: the 37th and 38th: and 39th and 39th; and

WILL OF

JESSE. M. HOWELL.

the 43^d and 44th -- The whole 39th line having been erased and part of the 38th and 40th.

W. F. Desaussure

Sam^l Byers.

Alister Garden.

State of South Carolina)

Highland District)

Before me personally came and appeared William F Desaussure Esq. who being duly sworn did make oath that he saw Jesse M Howell sign seal publish and declare this written instrument of writing to be his last willand Testament that he was then of sound and disposing mind and memory according to the best of this Deponents knowledge and belief and that he with Samuel Byers and Alisters Garden at the request of the testator in his presence and in the presence of each other witnessed the due execution thereof.

Sworn to before me)

27 February 1855)

James S Guignard

Ordinary.

Recorded in Will Book K

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Page #11

WILL OF

CODICIL #1

JESSE H. HOWELL.

signed sealed published and declared as and for a codicil to his will by the Testator, who signed the same in in our presence, and so in his presence and at his request and in presence of each other subscribed our names as witnesses hereto.-----

J. H. Howell

Edw. Fisher

J. H. Ledingham.

John G. H. Taylor

SOUTH CAROLINA)

HIGHLAND DISTRICT) Before me personally came and appeared John H. Howell sign seal publish pronounce and declare the foregoing Instrument of writing to be a Codicil to his last will and Testament that he was then of sound and disposing memory and understand-
ing to the best of his Deponents knowledge and belief and that Edward Fisher and J. H. Ledingham with this Deponent at the request of the Testator in his presence and in the presence of each other witnessed the due execution thereof.

John G. H. Taylor.

Sworn to before me 27-February 1835

James S. Guignard, Ordinary.

CODICIL #2

1. It is my will and desire that the following be taken and received as a further and second codicil to my said will that is to say- 2. It is my will and desire and I hereby devise to my two sons William Howell and Malacho Howell their heirs and assigns three eights of my real estate instead of one half as heretofore devised to them by my will, that is to say I direct that the two plantations described in my will which I purchased from James Taylor and Jesse P Taylor be conveyed by my Trustees in fee simple to my two sons above named, and that possession thereof be delivered to them when the first-----

I hereby declare the following Codicil to be a part of
my will- that is to say I hereby nominate constitute
and appoint Col^o. Paul Fitzsimons and John Fisher to be Trus-
tees under my said will, and Executors thereof, and Guardians
of my children, and that their names be considered ^{as inserted} in those
clauses of my will by which my friends Benjamin F Taylor
and Col: Wade Hampton are appointed Trustees and Guardians
and Executors, and that they be associated with the said
B. F. Taylor and Col: Wade Hampton in the said trusts, and
be invested with all the estate and power and authority
conferred by the said clauses upon the said Benj: F. Taylor
and Col. Wa Hampton-- And it is further my will and desire
that the provision of one thousand dollars per annum made
by the said will for my dear wife shall be considered as intend-
ed for her exclusive use, and shall not be burthened with the
board and maintenance of my children or their education, all
which are otherwise provided for by my said will. And it is
further my will and desire and I hereby bequeath to my dear
wife the slave Creasy of Christian, and Dolly during her nat-
ural life, and that these negroes be substituted in the place
of Lissa of Christian and old Christian, whose names are to
stricken out of the twenty first line of my will, and the
legacy as to them revoked. The substituted negroes are here-
by bequeathed to my dear wife for the same term, and under
the same conditions and testrictions and subject to the same
limitations as are prescribed and imposed by my said will upon
the bequest of Lizzy of Christian and old Christian-- And it
is further my will and desire that in the event after death
of any one or more of the slaves bequeathed to my dear wife
by my will or this codicil, or in case I should think proper
to sell or dispose of one or more of them, she shall have power
to select from my estate

excepting the negroes bequeathed by
name one or more as substitute for those so dying or disposed
of. this eighth day of January Anno Domini Eighteen hundred

shall have attained twenty one years of age. And it is my will that if the said plantation shall be of greater value than three eighths of whole real estate I shall own at my death, said son shall pay the difference in value to my daughter Mary Howell. Eppos Goodwin Howell, Jesse Malachi Howell, Grace Howell, Harriett Howell and Lucy Howell in one, two three and four equal annual instalments which shall bear interest as they respectively become due. And that if the said plantations shall be of less value than three eighths of the said real estate, the difference shall in like manner be made up to my two sons by their said sisters.

3.- And whereas since the execution of my will I have sold and disposed of the plantation whereon I now live, and also my Broad River plantation now, it is my will and desire and I do hereby direct that the proceeds of the said sales shall be divided equally among all my sons and all my daughters living at my death share and share alike.

4. It is my will and desire and I further direct that all my lands be sold by my Executors or a majority of them, if they shall see proper to make such sale, and that the proceeds thereof be invested by them in the stock of the new Bank chartered by the Legislature at its last session, or in such other stock as they may think advisable, for the benefit of my sons and daughters in such proportion as they are respectively entitled to the lands themselves by virtue of my will and this codicil; it being understood that my said sons are to have and enjoy the same remainder in the proceeds of my daughter Mary's share of the real estate, as if the same had remained unsold.

5. I have it in contemplation to make further sales of my real estate during my life; in anticipation of this I further direct and it is my will and desire that any personal property whereof I may die possessed, being the proceeds of lands which I shall so sell and dispose of during my lifetime shall be invested in stock in like manner as above directed, and that the said stock shall be divided among my sons and daughters-----

living at my death in such proportion as they are entitled and under my will this codicil to the lands which I may so sell and dispose of. 6. And it is my will and desire that the conditions limitations and remainders annexed by my will to the devises of the lands hereby directed to be sold, shall attach in like manner to the proceeds of the sales of the said lands, except where otherwise ordered by this Codicil.

7. And it is also my will and desire that if my executor shall make sale of my real estate in pursuance of the power confened upon them by clause No. 4 of this Codicil, the said the said sales shall be made upon the following tenartowit upon a credit of one two three and four years from the day of sale with interest from the date payable annually the purchase money to be secured by mortgage of the premises, and bonds and personal security- and that my said Executor be and they are hereby anotherized, to pledge the said lands and mortgages for the purpose of raising money to purchase the stock aforesaid-- In testimony whereof I have hereunto set my hand and seal this ninth --day of February Anno Dom--
thousand
ini one xxxxx and eight hundred and thirty five.

J. M. Howell

Signed sealed published and declared by the Testator as and for his last will and testament in our presence, who in his presence and in presence of each other have hereunto subscribed our names as witnesses--the words "payable annually" near the close having been first interlined.

Catharine M. Robertson

Grace Howell

W. F. Desaussure.

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WILL OF

Codicil # 2.

JESSE M. HOWELL.

South Carolina)

Richland District)

Before me personally came and appeared William F. Desaus-
sure Esq. who being duly sworn made oath that he saw Jesse
M. Howell sign seal publish pronounce and declare the
foregoing Instrument of Writing to be a Codicil to his Will
that he was then of Sound and disposing memory and under-
standin according to the best of this Deponents knowledge
and belief and that he with Catherine M. Robinson and
Grace Howell at the request of the Testator in his pre-
sence and in the presence of each other witnessed the due
execution thereof.

W. F. Desaussure.

Sworn to before me)

27 February 1835)

James S. Guignard.

Ordinary.

Recorded in Will Book K.

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