

RICHLAND DISTRICT.) IN THE NAME OF GOD AMEN. I declare the following to be the last will and testament of Nicholas Michel Lourwnt Herbermont who usually signs his name N. Herbermont.-----

1st. I devise and bequeath my whole estate real and personal with the exceptions hereinafter stated to my wife Caroline Herbermont during her life, entreating her to assist, if there be need, my Grandson Paul Bofill with such small sums as may enable him to acquire a good education, and such a profession as he may select, and in general to continue her kind attentions and love to him, and to do whatever may in her judgement best conduce to his advantage and produce no inconvenience to herself-----

2- After the death of ~~my wife~~ ^b Caroline Herbermont I devise and bequeath my whole estate real and personal to my grandson Paul Bofill during his life, and request that my executors put him in possession thereof at the age of twenty one Years- Should he die leaving a wife and children alive at the time of his death I devise one fourth of my said estate to his wife and the remaining three fourths to his child or children, including the descendants of any one that may have died before him should the said Paul Bofill die ~~leaving~~ ^{leaving} nowidow., I devise the whole of my estate to his children living at his death, including the descendants of any that may have died during his life, Should he die leaving no children, or their descendants alive at his death, I devise and bequeath to his widow one fourth of the said estate, and the remaining three fourth I devise and bequeath as follows, to wit, one half to my grand Son Alexander Herbermont, and such other Children as my Son Alexander by his present or any future marriage may have living at that period, and the descendants of any that may have died, and the other half to such of my relations in France then living, as may be intitled to inherit from me as next of kin according to the laws of this State, if I had died without lineal descendants. To give effect

to this bequest I direct that the half thus allotted to them be taken from the personal property, as they cannot hold real estate- If the Said Paul Bofill should die, leaving neither wife nor child nor other lineal descendant alive at the time of his death, then the provision made for his widow in the last clause, above, I devise and bequeath as the other property mentioned in that clause.---3d. In order that this will may be fully and fairly executed according to the obvious meaning and intentions above expressed I hereby constitute and appoint my friends Wm. F. Desaussure, Dr. John Fisher and Capt Theodore Stark Executors thereof, and I entreat them to pay this regard to my sincere friendship and esteem for them, that they will accept this trust ~~and act~~ for the best according to their judgment and for the advantage of my said grand son Paul Bofill whom I most earnestly recommend to their kind cares and fatherly counsels-. 4th.- I devise and bequeath to my friend Wm. F. Desaussure one of my executors as appointed in the preceding clause, fifty acres of land of my tract called Palmyra on the eight mile branch whereof a resurvey was made by W. I. Myddleton August 24th 1821 my desire is that these fifty acres be taken from the North West and West end of the said tract adjoining land belonging to Col. John G. Brown, taking care that they be so located as to include a good spring of water and be suitable for a comfortable summer residence. To each of my other two executors namely Dr. John Fisher and Capt. Theodore Stark. I devise and bequeath one hundred dollars with which I beg they may purchase some trinket to be kept in remembrance of the sincere friendship and esteem I feel for them- 5-~~I~~ also bequeath to my grandson Alexander Herbermont Three hundred dollars as a token of my sincere love for him- This with the other two bequests of one hundred dollars each of the preceding clause amounting altogether to five hundred dollars, if I leave not a sufficient amount in cash, is to be obtained by the sale of

such personal property as may most suitably be sold such as household furniture, waiting rather a few months than to make a sacrifice of property for the purpose of paying these legacies immediately. This I leave however, to the discretion of the executors of this my will, who will act for the best according to circumstances. 6- If I have made no provision by this will for my son Alexander Herbemont, it is because he has already received from me more than his share of my property, and because my daughter the mother of my grand son Paul Bofill has never had the opportunity in the least degree of being benefitted by any attention of mine- a sense of Justice and duty then required that the foregoing provision should be made for my said grandson. In testimony whereof I hereunto set my hand and affix my seal at Columbia this third day of September in the year of Eight Hundred and thirty Six- hereby revoking all other wills by me heretofore made, and declaring this alone to be my last will and testament.

N. Herbemont

Signed Sealed published and declared by the testator to be his last will and testament in our presence who at his request, and in his presence, and in the presence of each other Subscribed our names as witnesses hereto Jesse Debruhl, Eli. Kennerly, S. C. Debruhl.

We the subscribers having been appointed Executors in the foregoing will do hereby renounce our Executorship and decline acting

Theodore Stark

Wm. F. Desaussure

SOUTH CAROLINA)

RICHLAND DISTRICT) Personally appeared Jesse Debruhl and made oath that he saw Nicholas Herbemont sign seal publish pronounce and declare the within Instrument of writing to be his last will

and Testament that he was then of Sound mind according to the best of this Deponents knowledge and belief and that he with Eli Kennerly and Step. C. Debruhl at the request of the Testator in his presence and in the presence of each other witnessed the due execution thereof.--

Jesse Debruhl

Sworn to before me 29 June 1838-----

James S. Guignard, Ordinary-

South Carolina: I Nicholas Herbemont being weak in body ~~and~~ but of sound and disposing mind do make and declare this to be a Codicil to my foregoing will and to be considered as part thereof-- first- I give and bequeath unto the youngest Daughter of Doctor Samuel Penivel my circular Scrap or Patch work Table.-- Second- I give to Moses anderrick as a reward for their faithful conduct to each a sum not exceeding twenty five Dollars per year during their respective lives to be paid them when needed and at such times as my Executors may deem proper----- Third- Whereas in the fifth Clause of my foregoing Will I bequeath to my Grand Son Alexander Her bemont the sum of three hundred Dollars, I do hereby revoke that part of said said clause and do hereby give and bequeath to him the sum of five hundred Dollars- Lastly.--I wish my friend William F. Desaussure to take charge of my Gold medal and certificate attached and keep the same until my Grand Son Paul Bofil becomes of age and then deliver it to him, Should he then be of steady habits otherwise keep it himself- Witness my Hand and Seal this fourth day of June Eighteen hundred and thirty Eight,-----

N. Herbemont

In presence of

Robert W. Gibbs.--

THE STATE OF SOUTH CAROLINA# - Whereas I Nicholas Herbemont of

the Town of Columbia having on the fourth day of the present month signed a writing on the last page of my will executed on the third day of September 1836 intending it to be a Codicil but as it was not duly witnessed it is legally a blank-I the said Nicholas Herbemont being still of sound mind and memory do make and declare this to be a Codicil to my said Will and which is to be annexed thereto and to be taken and considered as a part thereof-----

First- I give and bequeath unto the youngest Daughter of Doctor Samuel Percival my circular Scrap or patch work Table.-----

Second- I give to Moses and Yorrick as a reward for their faithful conduct each a Yearly Sum not exceeding twenty five

Dollars for and during their respective lives to be paid to

them as they may need, and whenever my Executors shall think

proper.--Third,-- Whereas in the fifth ~~clause~~ clause of my said

will I did bequeath unto my Grand son, Alexander Herbemont the

sum of three hundred Dollars-- I do hereby revoke that bequest

and give and bequeath unto my said Grand son the Sum of Five hundred

Dollars to him and his heirs forever.-- Fourth- I give and be-

queath unto my son Alexander Herbemont my Gold watch Trinkets

and chain also the Farmers Register from beginning to the

present time, to him and his heirs forever.-----

Fifth Such part of my wardrobe as may suit for my Grand son

Paul Bofill I give to him, and the rest to be divided among my

servants.-- Sixth Such part of my Household, Kitchen or other

furniture and of any other article which may not be of service

to my Grand son Paul Bofill, or which may deter. by keeping

I wish sold by my Executors.--- Seventh- It is further my

will and desire that the following words be added to the Second

Clause of my will after ~~the~~ the concluding words "Other property

mentioned in that clause" to wit- So that my said Grand son

shall take absolutely one half of my whole Estate, and my next

of kin in France shall take the other half! -----

Eighth I wish my friend William F. Nesaussure to take charge of my Gold Medal and Certificate attached and keep the same until my Grand Son Paul Bofill becomes of age and then deliver it to him, Should he then be of Steady habits, otherwise keep it for himself Witness my hand and Seal at Columbia this eighth day of June Eighteen hundred and thirty eight,-----

N. Herbermont

Signed Sealed published and declared by the Testator to be a Codicil to his annexed will in our presence who at his request in his presence, and in the presence of each other have Subscribed our names as witnesses to the due execution thereof--

Robert W. Gibbs

John G. Guignard

Robert P. Mayrant

SOUTH CARP:INA)

RICHLAND DISTRICT) Personally appeared Robert W. Gibbs and made oath that he saw Nicholas Herbemont sign Seal and declare the foregoing Instrument of writing to be a Codicil to his will that he was then of sound and disposing mind according to the best of this Deponents knowledge and belief and that he with John G. Guignard and Robert P. Mayrant at the request of the Testator in his presence and in the presence of each other witnessed the due execution thereof,-----

Robert W. Gibbs

Sworn to before me 29th June 1838

James S. Guignard

Ordinary.--

I Nicholas Herbemont being still of sound mind but much weaker in body do declare this to be a Codicil to my said will referred

to bearing date the third of September 1836, and in addition to the Codicil written on the 1st. and Second pages of this Paper, Item- I do hereby revoke the Legacy to my Grand son Alexander Herbemont of five hundred Dollars and in lieu thereof I hereby give and bequeath unto him the sum of One thousand Dollars- to him and his Heirs forever.- (19 June 1838

N. Herbemont

Signed Sealed published pronounced and declared by the Testator to be a Codicil to his will, in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.-----

Robert W. Gibbs- R. H. Goodwyn, J. T. Goodwyn

SOUTH CAROLINA)

RICHLAND DISTRICT) Personally appeared Robert W. Gibbs and made oath that he saw Nicholas Herbemont Sign Seal and declare the above Instrument of writing to be a Codicil to his will that he with Robert H. Goodwyn and J. T. Goodwyn at the request of the Testator (he being then of sound mind according to the best of this Deponants knowledge and belief) we in his presence and in the presence of each other witnessed the due execution thereof Sworn to before me (29th. June 1838)

Robert W. Gibbs

James S. Guignard

Ordinary.-

I declare the following to be a Codicil to my will I have always disapproved of ornaments and other expensive adjuncts by which Coffins for the dead are decorated, and the burying of value ble articles which might have been used for a better purpose than to rot in the ground, such as giving it to the poor, or the using it for any other beneficial purpose; I wish therefore to avoid the folly, I might say the criminality of carrying pride and vanity into the grave- with this view it is my

will that my body be wrapt in a clean Sheet and deposited in a Coffin made asplain as can be made of common pine board, simply plained and nailed together without any paint or staining of ~~my~~ any kind. If I die at home in Columbia or within ten or twelve miles of it I request I may be buried next to my wife in the Episcopal church Yard; but if I die at any greater distance from home I do not wish to annoy or trouble the living by the transportation of my body to Columbia, but that I may be buried in a suitable place where I Shall die. I also request that the sum of fifty dollars be put into the hands of a proper person to be given to the most deserving poor.-of the place or neighbourhood where I shall die. this sum to be distributed or given according to the discretion of the person into whose hands ~~it~~ shall have been placed by my Executors, who are hereby requested to ~~pay~~ pay due regard to the above expression of my wish and will.---

I give to my son Alexander Herbemont the barrels of broken sugar now in the house and to his wife Martha all my port wine in the house, a Jar of preserved ginger and the rocking chair in my Chamber- I give to Mrs Lucy P. Green and to Mary Desaussure such green house and other delicate plants as they choose to select. witness my hand and Seal this 20 June 1838-

N. Herbemont

Signed Sealed and executed by the testator in our presence as a Codicil to his last will, and in his presence and in the presence of each other have subscribed the same as witnesses-

James S. Guignard

R. H. Goodwyn

John P. Goodwyn

SOUTH CAROLINA)

RICHLAND DISTRICT) Personally appeared Robert H. Goodwyn and made oath that he saw Nicholas Herbemont sign seal publish and

declare the foregoing Instrument of writing to be Codicil to his will that he was then of sound and disposing mind according to the best of this Deponents knowledge and belief and that he with John P. Goodwyn and James S. Guignard at the request of the Testator in his presence and in the presence of each other subscribed their names as witnesses to the due execution thereof-

R. H. Goodwyn

Sworn to before me-

29 June 1838-

James S. / Guignard ordinary.

State of South Carolina)

Richland District) know all men by these Presents, That we, Alexander Herbemont John G. Brown- Robert W. Gibbs William H. ~~Myers~~ Bernard Reilly are holden and firmly bound unto James S. Guignard Esquire, Ordinary for the District of Richland in the full and just sum of. Seven thousand Dollars lawfully money of this State, to be paid to the said James S. Guignard or his successors, Ordinaries of this District, or their certain attorney or assigns. To which payment well and truly to be made, we bind ourselves, and every of us, our and every of our Heirs, Executors and Administrators, for the whole, and in the whole Jointly and severally, firmly by these Presents. -- -----

Sealed with our seals, and dated the twenty day of July in the year of our Lord one thousand eight hundred and thirty Eight The condition of the above obligation is such, That if the above bound Alexander Herbemont Administrator (with the will annexed) of the Goods, chattels, Rights and credits of Nicholas Herbemont deceased, do make or cause to be made a true and perfect inventory of all and Singular the Goods, chattels, Rights and Credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said Alexander Herbemont or into the hand or possession of any other persons for him and the same so made do exhibit into the Court of Ordinary, at such

time as he shall be thereunto required by the said court, and the same Goods, Chattels, Rights and credits do well and truly administer according to law, and make a just and true account of his actings and doings when by law required; and further do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said Goods, Chattels, Rights and credits will extend, and the law require; then the above obligation to be void, or else to remain in full force and virtue-

Signed Sealed and delivered,
in the presence of
Edward A. Seymour

Alex^r Herber

Robert W.

Robert W. Gibbs

Wm. H. Myers

Ben. Kelley

Thos. H. Wade

STATE OF SOUTH CAROLINA)

RICHLAND DISTRICT) By James S. Guignard ordinary of
Richland District- To Alexander Herbemont whereas Nicholas
Herbemont appointed three Executors by his last will and Test-
ament say Wm. F. Desaussure- John Fisher- and Theodore Stark
all of whom have refused to qualify- by means whereof the power
of granting the Administration of the Estate and Effects of the
said Nicholas Herbemont to me is manifestly known to belong.
And whereas Alexander Herbemont hath made suit to me, to grant
him Letters of Administration, of the Estate and effects of the
said Nicholas Herbemont with will Annexed; I therefore, in
consideration of the premises, and in order that the goods and
chattels, rights and credits, of the said deceased, may be well
and truly administered, converted and disposed of according to
law, do hereby give and grant, unto the said Alexander Herbe-
mont (in whose fidelity in this behalf I very much confide)
full power and authority by the tenor of these presents, to
administer, and faithfully dispose of the goods and Chattels,

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NICHOLAS MICHEL LOURENT HERBEMONT

rights and credits of the said Nicholas Herbemont according to the effect and tenor of the Said Will And first, to pay the debts of the said deceased, which he did owe at the time of his death. Afterwards, the Legacies contained in, and specified by the said will, as far as such goods and Chattels, rights and Credits, will thereto extend and the law require; being first sworn on the Holy Evangelist of Almighty God, to make a true and perfect inventory thereof, and to exhibit the same in the Ordinary's office, in order to be recorded, on or before the day of October next ensuing- And I do ordain, depute and constitute you, the said Alexander Herbemont Administrator of all and singular, the goods and chattels, rights and credits of the said Nicholas Herbemont deceased, with his will Annexed Given under my hand and Seal, this twenty third day of July in the year of our Lord, one thousand eight hundred, and thirty Eight-----

James S. Guignard.

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