

State of South Carolina In the name of God Amen. I Robert Latta of the district of Richland, in the said State, being of sound mind do make and declare this as my last will and testament in manner following. Viz. I commend my Soul to God who gave it, truly and firmly believing in the general resurrection. through the intercession of the divine Redeemer---- As to my worldly goods. I give and dispose thereof as follows. that is to say. To my Son William Albert Latta, his heirs and assigns. I give devise and bequeath my plantation on Bullock's creek in York district, now in his possession and containing about thirteen hundred acres. Also my brick house in the village of Yorkville and the lot whereon it stands, Also the lots of land extending from the brick house lot to Howers lot and the lot-in-the rear of the goal opposite to Grenshaws. And I do hereby confirm his title to all the negroes and other chattels which I have heretofore delivered to him ; a particular enumeration of which is contained in a receipt to one. Signed by him and dated the 13th day of October 1851. I also give and bequeath to him his mothers gold watch and a lot of Silver ware -cyphered R. J. L. a bureau which belonged to his sister Jane and her portrait and frame-- I give and bequeath to my Son - James Theodore Latta my gold watch my portable desk and all articles of personal use including my wearing apparel After the payment of my debts I give devise and bequeath to my Sons William A. Latta and James Theodore Latta and to the Survivor of them -his heirs and assigns all the rest residue and remainder of my estate real and personal not herein before specified devised or bequeathed, in trust nevertheless for the uses and purposes hereinafter expressed--

1. To permit my wife Eliza D. Latta to use occupy possess and enjoy the family residence adjoining the town of Columbia for and during her natural life, if she remains a widow, and

include the house where I reside and the lands purchased with it; also to permit her to use possess and enjoy in manner aforesaid all the silver and plated ware and all the furniture of every kind in and above the said house. the use of all or as many of the servants as she may desire, the carriages horses cows and every appendage, in and about the said house, as used by me in my life time for ornament comfort or ~~my~~ convenience. And if any of the said servants, horses or cows shall die. or any of the other appendages shall be destroyed by time of accident the same shall be replaced out of the yearly income of my estate if my said wife shall desire it. Every thing enumerated in this clause is intended for the use of my said wife and my daughters or daughter who may reside with her-----

2. To pay over to my said wife quarterly or semiannually as she may desire, out of the income of my estate such sums of money as she may require for the comfortable maintenance and support of herself and such of my daughters as may reside with her of the sums so required she is to be the sole judge and no account is to be taken of such sums in any partition of my estate-----

3. In consequence of ill health the education of my daughter Ida has not been so full as that of her sister Cecilia, should she be able to prosecute her studies, the expenses thereof shall be paid by the said trustees out of the income of my estate. And the said trustees are hereby directed to purchase for her out of the same fund a piano and a gold watch to make her equal with her sister.

4th. After paying all the charges created by this will and all the incidental expenses, the ^rsurplus of the annual income of my estate, shall be divided equally among my children or the survivors of them; the shares of my sons to go to them absolutely, but the shares of my daughters shall be invested by the said trustees in some productive

property. and shall be divided between them at the time and in the manner directed herein after, in relation to my other property.

5th. On the death of my wife should she die a widow, the said trustees shall cause the whole of my estate to be divided, by four impartial and competent persons (selected by them) amongst my surviving children share and share alike, but in such partition as well as in every other which may be made of my estate or any part thereof if any of my children shall have died, leaving a child or children, such child or children shall take his her or their parents share, when such partition shall have been made the share of each male whether child or grandchild shall vest absolutely and in fee Simple, the share of each female whether child-or- grand child shall be divided so as to vest in such female absolutely and in fee simple. one third part of the share allotted to such female, the other-two thirds, the said trustees, shall either retain the same in their possession or conveyed, to some suitable person or persons, to be held in trust for the sole and separate use of such female for and during her natural life without being in any way liable for the debts or contracts of any present or future husband and after her death to be divided share and share alike among her children and if only one child to that child solely. And if there be no child or children, then the same shall be divided amongst those who according to law shall be my heirs or distributees--

6. In the event of the marriage of my wife, every provision herein made for her shall cease and determine, and also all control over any part of my estate, and as soon there after as practicable the said trustees, shall-in-the manner before directed-cause my whole estate to be divided. so as to allot to her the one-fifth part thereof, one-third of which shall be conveyed to her in fee simple, and the other

her sole and separate use during her life, and after her death the same shall be divided among my children as the rest of my estate is herein before directed to be divided: The other four fifths shall be divided among my children as before directed, and shall vest in them in the same manner and settled to the same uses trusts and limitations as are provided for in the fifth clause of this will, And the said trustees are hereby specially enjoined not to deliver possession of the part allotted to any female, which by this will is directed to be settled to her sole and separate use, until proper deeds of Settlement are executed according to the directions of this will-----

7th. Some partial division of my estate may be necessary if either of my daughters should marry in the life time. ~~Life-time~~, of my wife and live apart from her: In that event I authorize my wife, being a widow to allot and set apart to such daughter a portion of my estate real and personal or either which shall not exceed the half of the probable amount of her share, of my estate, and upon such allotment the said trustees shall have the same value by four competent persons to be by them appointed- and shall convey one third of such allotment to such married daughter absolutely, and shall retain the rest in their possession or cause it to be settled to her sole and separate use as herein before directed-----

8th. I do hereby authorize and empower the said trustees with the written consent of my wife and such of my daughters as may be of the age of twenty one years at the time, to sell and convey, all my lands in York district and all or any of my real estate in and about the town of Columbia and all other real estate whereof I may die seized and possessed, And if any such sale shall be made of the whole or any part thereof the proceeds of the sale shall be vested in some productive property, and shall be divided as the rest of my

estate, and the annual rents and profits of such investment shall be applied and divided as other annual rents and profits are herein before directed to be applied and divided-----

9th. In the final partition of my estate all the plated and Silver ware shall be allotted to my daughter Cecilia at a fair valuation.

10th. I enjoin on the said Trustees to keep under perpetual insurance the Pearce house and the house and furniture where I reside each, at the sum of ten thousand dollars, and to keep in proper repair all my houses and lots. These expenses are to be paid out of the income of my estate-----

11th. I give to my niece-Mary Keller the sum of two thousand dollars, to be paid on the first day of January. Next after my decease, but the said trustees are not to pay over this legacy until a proper person has been appointed by the court of Equity to receive, and hold it for her sole and separate use during her life, and after her death to deliver the same or such property as may be purchased with it under an order of the court of Equity to her children.

Share and share alike, the child or children of any deceased child taking the share of his her or their deceased parent.

12.th. I give to my nephew Albert Latta one thousand dollars to be paid within one year after my decease. This and the preceding legacy are to be paid out of the incomes of my estate--

13th. It is not my intention that either of my sons or my wife should receive any compensation as commissioners, for their Services in executing my will, but they shall be reimbursed any expenses incurred in the performance of their respective duties. But the said trustees are hereby empowered to employ Edwin I. Scott and in case of her death, any other suitable person, as an agent to attend to the business in Columbia, and to allow him out of the income of my estate

14th. In case my said sons, should both die before the final partition of my estate, application shall be made to the court of Equity to appoint some suitable person or persons as Trustee or Trustees to carry this will into execution, but such person or persons shall give ample security before entering on the performance of their duty. for the faithful performance of the trust-----

15th. The provision made for my wife in this will is in lieu and in bar of her dower in all or any of my real estate and she must make her election within one year after my decease.

16th. In case either of my sons should die in my lifetime leaving a child or children, such child or children shall take whatsoever is given to his her or their parent by this will -if living at the time of my decease.

17th. It is my intention as far as practicable to divide my estate equally among my children, I have advanced to my son William the sum of forty one thousand and fifty eight dollars and 97 cents, up to the first day of May in the present year as appears by his receipts. And to my son James up to the 3rd day of April last. the sum of thirty four thousand two hundred and sixty three dollars and 80 cents, as appears also by his receipts: Now in order to produce the equality which I desire, the said sums shall be charged to them respectively as advancements in the partition of my estate, and also such further sums of money, or property, as I may have, since the dates above mentioned or shall; hereafter advance to either of them or to any of my children shall be taken into the amount in the division of my estate when made as hereinbefore directed but nothing shall be computed as an advancement, unless there be a receipt or some written evidence. Signed by the Child to be so charged; No interest shall be computed on sums advanced. In the final partition of my estate, if my wife shall have allotted to either of my

but without interest as a part of her share, at its value at the time of allotment----- I appoint my wife Eliza D. Latta executrix of this my last will and testamen, but so soon as my debts are paid she shall deliver up my whole estate, to the trustees above named----

I have promised my niece Mary Killen to purchase for her a negro girl, should I do so, the sum paid for the negro is to be part of the legacy given to her in the 11th clause of this will and only the balance of the two thousand dollars is to be paid as directed in the said clause----

In Witness, whereof I have hereunto set my hand to this my last will and testament written on two sheets of paper, and have also subscribed my name at the bottom of the last page of the first sheet this fifteenth day of May in the year of our Lord one thousand eight hundred and fifty two .

R. Latta.

The foregoing written on two sheets of paper was Signed by Robert Latta as his last will and testament at pages 4 and 8 and by us attested in his presence.

J. A. Crawford

And. Crawford

John T. Seibles.

(Codicil)

Codicil to this my last will and Testament which is attached to the Will by Sealing Wax. I hereby nominate and appoint my beloved wife Executrix and my son William A. Latta and James T. Latta Executors to the Same--

Signed Sealed and Executed by the said Robert Latta in the presence of the attending Witnesses. Who have Subscribed their names to the Same in the presence of Robert Latta---
This eithth day of August 1852.

J. A. Crawford

G. T. Snowden

And. Crawford.

(William A. Latta & James T. Latta

(qualified as Executors 7 December 1852)

ROBERT LATTA.

South Carolina)

Richland District)

Personally appeared John A. Crawford and made Oath that he saw Robert Latta Sign Seal publish pronounce and declare the written Instrument of writing to be his last will and 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 Andrew Crawford and John T. Seibbe at the request of the Testators in his presence and in the presence of each other witnessed the due execution thereof-

J. A. Crawford.

Sworn to before me)

§ December 1852.)

James S. Guignard. Ordinary.

South Carolina)

Richland District)

Personally appeared before me John Crawford and made Oath that he saw Robert Latta Sign Seal publish pronounce and declare the Instrument of Writing written on the back hereof to be a Codicil to his last will and Testament that he was of Sound and Disposing mind according to the best of his knowledge and belief and that he with G. T. Snowden and Andrew Crawford at the request of the Testators in his presence and in the presence of each other witnessed the due execution thereof.

J. A. Crawford.

Sworn before me)

7 December 1852)

James S. Guignard. Ordinary.

Recorded in Will Book L

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