

In the name of God Amen. I William Beard of the Town of Columbia being in bad health of body, but of sound and disposing mind and memory, do make this my last will and testament in the manner following.

Item 1. Whereas I executed a deed of gift on the day of

Anna Domini 18 to my children then living and born (my daughter Alice not then being born) of certain slaves, my property, named Margaret and her daughter Emma, Delia and Isaac with the future increase of the females thereof, which deed is duly recorded in the proper Office, and being desirous that the said deed should be annulled and made void for good and sufficient reasons, I do hereby express my earnest will that my said children for whose benefit the same was made shall regard the said deed of gift of the said slaves and the future increase thereof as wholly void and inoperative from thenceforth and forever; and in lieu of the provision therein made for them I desire them to accept of the provisions made for them in this my last will and testament to be now in the same set forth.

Item 2. I give, devise and bequeath the whole of my the whole of my estate, real and personal, including the negro slaves above mentioned to my Brother-in-law, James Peckham and to my son-in-law M.D. Hogen and Thomas J Lamotte Esqer., to them and to their Executors and Administrators : Nevertheless in trust for the following uses and purposes and subject to the following limitations, settlements, exemptions and remainders; that is to say; in trust that they the said James Peckham, M.D. Hogen and Thomas J Lamotte shall hold, keep together and manage my said estate real and personal, in the best manner that may seem to them practicable, until my youngest child shall become of the age of twenty one years, for the support, maintenance and education of my children and of their families as they may contract marriage provided

my said children as they may so contract marriage live together in the same house and as one family in accordance with my wishes and under the arrangement which I shall herein appoint: and upon my said youngest child's attaining the age of Twenty one years then in trust, that they, the said James Peckham, M.D. Hogan and Thomas J Lamotte their Executors, or Administrators shall proceed to divide my said Estate, real and personal, amongst my children and the lawful issue of the bodies of such of them as may have married and have issue, in equal shares, the child or children of a deceased child taking the share the parent would be entitled to if living at the period of division above specified, the said James Peckham, M.D. Hogan and Thomas J Lamotte, their Executors or Administrators taking care that the share to which each of my children may be entitled be properly and lawfully settled upon him or her, as the case may be, or upon his or her children so that the same shall not be liable for his, her or their debts, contracts or liabilities, or for the debts or contracts of the husband of my daughter now married or who may hereafter contract marriage. And whereas it may become expedient in the good judgement of the said James Peckham, M.D. Hogan and Thomas J Lamotte by reason of the changes and contingencies in the affairs of life to sell my said Estate, real and personal, or to sell a part of the same and to change the investment to something else I do hereby empower them so to do of themselves without incurring the expense of proceedings for that purpose in the Court of Chancery or in any other Court provided they all concur in the propriety of such a sale; and when any ~~such~~ sale may be made by them then they are hereby empowered and directed to invest the proceeds thereof according to their best and concurrent judgement in some other productive and safe property, real or personal or in bonds and mortgages, or in stock, they making titles to the purchaser as they are hereby empowered to do in as full and perfect manner as I could do were I living or as could be done

Item 3. It is my wish and direction that my children should be provided with a common home in which they may be taken care of, and to which those of them who are already married or may hereafter get married in case of necessity or misfortune may repair and partake of such comforts of living and such assistance in the way of education as may be proper and as may be afforded by the income of my estate so kept together in the manner and until the period of my youngest child's reaching the age of Twenty one years; And to this end I desire and hereby request my daughter Mrs. Mary H. Lamotte and her husband Mr. Thomas J Lamotte to take and have the entire charge and management of such an establishment, including servants, furniture and supplies as may be justified by the nett income of my whole estate; and in order that this desire and scheme of mine for the comfort of my surviving children may be accomplished and carried out as I intend, I direct that my son-in-law Thomas J La Motte shall collect and receive the entire income of my estate no matter how the same may be invested and therefrom shall subtract a sufficient sum to defray the expenses of the household I hereby direct to be organized; that the said Thomas J Lamotte shall assume the active and practical superintendence and care of my said entire estate in all respects, such as the collection of the income thereof, the payment of the insurance and taxes therein, attending to the repairs of my real estate, procuring medical attendance for the negroes, and the like; and in order that perfect harmony may exist among my children on this subject and that James Peckham and M.D. Hogan, as well as any one of my children who may desire so to do, may at any moment see what the annual income of my Estate may be and how much thereof may be required to be expended for all the purposes above specified, I particularly enjoin it upon my said son-in-law Thomas J La Motte to keep a just and true account of all mon-

by he may receive of the income of my estate and of all sums he may expend for the purposes above mentioned in a suitable book or books which he shall always and readily expose to the inspection and examination of James Peckham and M.D. Hogan, or either of them, or if any of my children. On the failure or neglect of my Son-in-law Thomas J Lamotte to perform the foregoing duties in the manner I have now set forth then James Peckham and M.D. Hogan are empowered to procure the agency of some fit person in his place who shall be subject to their control in all matters connected with my estate herein committed to their charge. Confiding however in the integrity^{and} industry of Thomas J Lamotte and as an inducement to stimulate his fidelity and diligence by way of some reward for his efficient services as designated, I do hereby direct that he shall have the board and the lodging of himself and family as long as he and his wife may see fit to keep the establishment I have designated for the common comfort of my children, free of all costs or charges whatever. And if at any time my daughter Mrs Mary H Lamotte should see fit to discontinue the management of the house I desire her to take charge of for the purpose I have declared, I desire that she should be allowed to do so, in which event I direct that my children shall be put to board at some suitable place or places to be selected by James Peckham, M.D. Hogan and Thomas J La Motte and that my daughter Mary H La Motte be permitted to take with her and for her own use such articles household of furniture as she may want, subject however, to the protection, exemption and limitations to which I hereby intend my whole estate to be subjected, as before declared. --

Item 4. In regard to my real estate on Richardson Street called the "Exchange" and my real estate purchased from Mr M. Myers Esq., all in the Town of Columbia, the last mentioned of which real estate I have greatly improved and also in regard to my negroes, Margaret and her children, Delia and her

them it is my will and desire that neither the real estate nor the slaves named shall be sold, unless it should be deemed in the highest degree expedient by my Executors hereafter named, until ~~after~~ my youngest child shall attain to the age of Twenty one years at which period the whole of my estate is to be divided and partitioned as I have before ordained in this ~~my~~ last will and testament. In the meantime I especially direct that the above named real estate be rented out to good and careful tenants on the best terms practicable and the houses kept constantly insured in some solvent and prompt Office or Offices; and in case any of the houses I have erected on the "Myers lots" should be consumed by fire I desire the same to be re-built in convenient but cheap houses. In the event of the loss of the "Exchange Houses" by fire, I direct my Executors hereafter to be named, should they deem it expedient and wise, to re-build the same of brick provided it should not cost more than one thousand dollars, over and above the insurance to rebuild the same with brick. If it should, then they are directed to rebuild on the "Exchange" lot of wood as at present. In all such matters however I ^{said} trust to the good sense and discretion of my Executors and leave the management of them to their option to be determined by circumstances as they may exist at the time. In whatever they do I desire their judgement to concur.

Item 5. I direct that my House and Lot in the Town of Columbia known as the "Lucretia Johnson" property be kept and rented out to the best advantage and that my Executors to pay the said Lucretia Johnson out of the rents thereof four Dollars per month during the term of her natural life.

Item 6. As soon as it may be practicable after my decease I devise and direct that my present residence be sold provided a fair price can be obtained for it - that my Insurance stock and my stock in the Greenville and Columbia Rail Road Company be also sold and the proceeds of the sales of

in the first place to the payment of any debt I may leave at
decease unpaid in the Commercial Bank of Columbia South Caro-
lina and then to the payment of any debts I may owe to indi-
viduals about Town or elsewhere, and should there remain any
surplus I direct that it be applied to the reduction of my
indebtedness to the Branch of the Bank of the State Columbia.

Item 7. Should my decease occur before the 25th day of next
November there will be due to my Estate the sum of Two Thous-
and Dollars on a Policy for the insurance of my life taken
out by me in the "Mutual Life Insurance Company of New York",
which sum when received I direct my Executors to apply to the
payment of my debts.

Item 8. Whereas I may not be able, before my decease to pay
my whole debt to the Branch of the Bank of the State at Col-
umbia, I request my Son-in-law, Thomas J La Motte to substi-
tute his own note in place of mine for that debt after my de-
cease which note so substituted for mine I request my friend
Charles Neuffer to indorse - And whereas I have indorsed for
my said Son-in-law a note for One Thousand Dollars which has
been discounted in the said Commercial Bank of Columbia South
Carolina for his accommodation, it is my wish to have the said
debt or note transferred to the Branch of the Bank of the
State at Columbia where longer indulgence in its payment may
be extended. And Whereas it may be necessary that the said
note in whole or in part should be renewed after my decease,
I do hereby request my friend Charles Neuffer to indorse the
same after my decease.- And to indemnify the said Charles
Neuffer both for his indorsement of the note of Thomas J La
Motte to be substituted for my own in the Branch of the Bank
of the State of South Carolina at Columbia after my decease
and for his indorsement of the note in the same Bank of Thom-
as J La Motte discounted for his own benefit and to save him
the said Charles Neuffer, wholly harmless in the premises, I
do hereby release, convey, confirm and devise by way of a

standing the devise in trust herein for certain purposes before declared and made to James Peckham, M.D. Hogen and Thomas J LaMotte, and in priority thereto, all that portion of my real estate in the Town of Columbia known as my "Myers" property, to him and to his Heirs: To Have and to Hold the same in trust for the endimnity above specified and for the final payment of the notes, or the renewals thereof as also above named, with full power to sell and make titles with purchaser or purchasers thereof for the payment and discharge of his liability as said Indorser, in case my Executor should fail in some other way to discharge him therefrom and save him wholly harmless in the premises. -- --

Item 9. I devise and direct my Executors to keep up and carry on my Farm situated within the Corporate limits of the Town of Columbia so long as they may find it to be profitable that is, so long as it pays expenses such as interest on the investments, rent of Streets, hand hire and the like and some nett income over and above such expenses as a compensation for the trouble and time incident to its superintendence; and I direct that my Son-in-law Thomas J La Motte should have the care and management of it in the same manner and under the same rules and obligations as I have herein before laid down for his guidance in regard to all my other property.

Should the Farm be found to be unprofitable then my Executors are fully authorized to sell it and invest the proceeds of such sale in other property; they are also ^{fully} authorized to act in the same manner in reference to the negroes employed in its culture. All this I leave however to their best discretion. -- --

Item 10. I most especially direct that by no means should the expenses of the establishment which I have directed to be set up for the common comfort of my children be allowed to exceed

~~the nett income of my estate, but on the contrary that it shall be the constant object and endeavor of my Executors, and~~

active and practical management of my estate, to accumulate a surplus out of said income for the payments of my debts and for investments such as building some small and cheap houses on the Square on which Old Peter's house now is for rent. This is also left to the discretion of my Executors.

Item 11. I direct my Executors to deliver to my son William Beard, on my decease, for his sacred custody in remembrance of me my Gold Watch and Chain and Pencil Case with an injunction that he shall never on any account suffer them to be alienated from my family. -- --

Item 12. If my servant John desires it, and can procure the money to do so, I desire and direct that he shall be allowed to purchase his own time and services for life for the sum of Six Hundred Dollars, provided my Executors are satisfied that the parties who may furnish John with the means of so doing really intend that the transaction shall enure to his exclusive benefit, and not otherwise. My Executors are earnestly enjoined to look to this. -- --

Item 13. I nominate and appoint James Peckham, Thomas J. La Motte and M.D. Hogen, the first named being my Brother-in-law and the two last named being my Sons-in-law, my Executors under this my last will and testament. -- --

Item 14. In case any one of my children for whose benefit I made the deed of gift of the slaves before mentioned should refuse to give up his or her interest under that deed as I have expressed, he she or they shall be wholly and entirely excluded from taking any share whatever of the balance of my estate, ~~real or personal and such share or shares shall be~~ equally divided at the time and according to the directions of this my will as before designated amongst such of my children as shall consent to the annulment of the said deed of gift and agree to take under the provisions of this my last will - but in case all of my children who are interested in the said deed of gift shall refuse to regard the same as

whole of the remainder of my estate real and personal, to my Executors named in the 13th Item of this my last will and testament forever. In Trust Nevertheless for the sole and separate use, benefit and behoof of my daughter Alice who was not born when said deed of gift was executed by me: To Have and to Hold the same absolutely free and discharged from the debts contracts or liabilities of any husband she may hereafter have.

In witness whereof I have hereunto set my hand and affixed the seal this the 30th day of March Anno Domini 1852.

William Beard

Signed, sealed published and declared by the Testator to be his last will and testament in our presence, who in the presence of the Testator and of each other have hereunto subscribed our names as witnesses thereto -- there being six half sheets of paper written on both sides and attached by wafers.

State of South Carolina

Richland District -- Personally appeared Martin Hinsdale who being du-

W. Hitchcock

M. Hinsdale

W.W. Lowe

ly sworn made Oath that he saw William Beard sign seal publish pronounce and declare the within 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 William Hitchcock and W W Lowe 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 2 July 1852~~

Martin Hinsdale

James S Guignard - Ordinary

James Peckham & Thomas J LeVette
qualified as Executors same day