

Will, SC, Spartanburg, JAMES NESBITT, 1838

In the name of God Amen.

I **JAMES NESBITT** Sr., knowing the frailty of human nature, being under bodily affliction, but of sound mind and Memory, thanks be to almighty God, do make this my last Will and Testament hereby Revoking all others heretofore by made, in form and manner following to wit:

I desire that after my decease my body way be consigned to the tomb and my soul to God who gave it, that after my funeral charges are paid, and all of my just debts are paid that the lands and tenements, goods, chattels and other property, which the Lord has suffered me to possess myself of, may be apportioned among my surviving friends as follows:

ITEM, I give and bequeath to my beloved and affectionate wife **SARAH NESBITT**, who I appoint my executrix to this my Last Will & Testament, together with my two sons **SAMUEL [NESBITT]** and **JOSEPH [NESBITT]** executors, during her life or widowhood, five negro slaves, to wit: **HANNAH, FANNY, SQUIRE, CHAPEL, and MARIA**, the profits and benefits of all of my land and tenements except such parts thereof as my son **JOSEPH** may choose to cultivate on the farm whereon he now resides, the road wagon & two horses, family carriage ell my house-hold & kitchen furniture, all the present crop and a sufficiency of provision for her maintenance, and, that of my single daughters and grand-daughter **JULIANN**, while they remain unmarried together with two cows & calves, but should my wife think proper to marry again, then, & in that case she is only to enjoy the use of the plantation where on I at present reside, together with the two negro women, the family carriage, one horse, two cows & calves, two beds and furniture, some farming utensil, a sufficiency house-hold and kitchen furniture, and one year provisions, during her life.

ITEM, after the death or marriage of my wife, I give & bequeath to my two sons **JOSEPH** and **ANDREW JACKSON [NESBITT]**, all my lands to them & their heirs forever to be equally divided between them agreeable to quantity and quality, upon the condition that each of them pay to my son **JAMES MADISON [NESBITT]** the sum of two hundred and twenty five dollars, to my son **ANDREW JACKSON**, I give two two volumes of Henry's explanation of the scriptures.

ITEM, I give & bequeath to my daughter **MARGARET [NESBITT]**, and the heirs of her body lawfully begotten, a negro boy named **SQUIRE** but if she should die without issue, then & in that case the said boy is to be sold, & the proceeds of the same to equally divided among my children, except the sum of sixty dollars, which is to be paid to my grand-daughter **JULIANN** by my daughter **MARGARET**, or by the other legatees as the case may be, to my said daughter **MARGARET** I give two beds & furniture, & two cows & calves or twenty dollars in lieu thereof.

ITEM I give & bequeath to my daughter **ELIZABETH [NESBITT]**, and the heirs of her body lawfully begotten, a negro girl named **MARIA**, but if she should die without such issue, then, & in that case, the said girl is to be sold and the proceeds equally divided among my children except forty dollars, which is to be paid to my grand-daughter **JULIANN**, by my daughter **ELIZABETH**, or the other legatees, as the case may be, to my said daughter **ELIZABETH**, I also give two beds & furniture, and two cows & calves or twenty dollars in lieu thereof.

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ITEM, I give & bequeath to my son **ANDREW JACKSON** one negro boy named CHAPEL, upon his paying my sons **SAMUEL**, **JOSEPH** and **JAMES MADISON**, the sum of one hundred dollars each, two beds & furniture, two cows and calves or twenty dollars in lieu thereof, & my book case.

ITEM, In case my wife should remain a widow, if she consent as to it, I desire that my negro woman FANNY should be sold, and the proceeds equally divided between my three sons, **SAMUEL**, **JOSEPH** and **JAMES MADISON** or if she chooses to live with either of them, that her value be distributed equally among these three sons.

ITEM, after my decease I desire, that my negro woman HANNAH be sold, & the proceeds be equally divided among my children if it be consistent with my wife's inclination.

ITEM, I give end bequeath to my two grand sons **ISAAC JAMES NESBITT**, and **JAMES NESBITT MCMILLEN**, the sum of twenty dollars each to be expended in their advancement in education, under the control of my two executors.

ITEM, I give and bequeath to my son-in-law **JOSEPH MCMILLEN** two volumes of Brown's explanation on the Scriptures.

ITEM, I desire that my sons **SAMUEL** and **ANDREW JACKSON**, my daughters, **MARGARET**, and **ELIZABETH** together with my grand-daughter **JULIANN**, shall each of them receive five sheep, of my flock.

ITEM, I give and bequeath to each of my children all my library of books, not otherwise disposed of, to be allotted & apportioned off among themselves in the most just & equitable manner.

ITEM, It is my desire, that the sum of one hundred dollars which is to be paid to my grand-daughter **JULIANN** by my two daughters, be withheld from her, until her marriage, or until after my wife's decease.

ITEM, It is further my last and concluding desire that at the death of my companion, what amount of stock and crop that should then be on hand might be allowed to the single survivors of my family for a support, to enable them to raise more.

I TESTIMONY WHEREOF I have hereunto subscribed my name and affixed my seal this fourth day of January in the year of our Lord, one thousand eight hundred and thirty eight.

**JAMES NESBITT Sr.** {seal}

Signed, Sealed and acknowledged in the presence of:

**ELIJAH MCMILLIN**  
**F. H. LEGG**  
**MARY LEGG**

The name **MARGARET** in the 6th line of 2nd page interlined before signed.

The words eight hundred, in the 30th line of the 3rd page interlined before Signed.

Recorded in Will Book C, Page 158, Box 22, Package 5

**Will, SC, Spartanburg, JAMES NESBITT, 1838**

Recorded November 19, 1838

John Bomar, O. S. D.

Will, SC, Spartanburg, JAMES NESBITT, 1838

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