

The Will of Thomas Green Clemson

Whereas I, Thos. G. Clemson, of the county and State aforesaid, did, on the 14th day of August, 1883, execute my last will and testament wherein I sought to provide for the establishment of a scientific institution upon the Fort Hill place, and therein provided what sciences should be taught in said institution; and, whereas, I am now satisfied that my intention and purpose therein may be misunderstood as intending that no other studies or sciences should be taught in said institution than those mentioned in said will, which was not my purpose or intention. Now, desiring to make my purpose plain as well as to make some other changes in the distribution of my property, than made in said will, I do now make, publish and declare this instrument as and for my last will and testament, hereby revoking all previous wills and codicils by me made, especially the will above referred to, dated August 14th, 1883.

Feeling a great sympathy for the farmers of this State, and the difficulties with which they have had to contend in their efforts to establish the business of agriculture upon a prosperous basis, and believing that there can be no permanent improvement in agriculture without a knowledge of those sciences which pertain particularly thereto, I have determined to devote the bulk of my property to the establishment of an agricultural college upon the Fort Hill place.

This institution, I desire, to be under the control and management of a board of trustees, a part of whom are hereinafter appointed, and to be modeled after the Agricultural College of Mississippi as far as practicable.

My purpose is to establish an agricultural college which will afford useful information to the farmers and mechanics, therefore it should afford thorough instruction in agriculture and the natural sciences connected therewith — it should combine, if practicable, physical and intellectual education, and should be a high seminary of learning in which the graduate of the common schools can commence, pursue and finish the course of studies terminating in thorough theoretic and practical instruction in those sciences and arts which bear directly upon agriculture, but I desire to state plainly that I wish the trustees of said institution to have full authority and power to regulate all matters pertaining to said institution — to fix the course of studies, to make rules for the government of the same, and to change them, as in their judgment, experience may prove necessary, but to always bear in mind that the benefits herein sought to be bestowed are intended to benefit agricultural and mechanical industries. I trust that I do not exaggerate the importance of such an institution for developing the material resources of the State by affording to its youth the advantages of scientific culture, and that I do not overrate the intelligence of the legislature of South Carolina, ever distinguished for liberality, in assuming that such appropriation will be made as will be necessary to supplement the fund resulting from the bequest herein made.

Item 1. I therefore give and devise to my executor, hereinafter named, the aforesaid Fort Hill place, where I now reside, formerly the home of my father-in-law, John C. Calhoun, consisting of eight hundred and fourteen acres, more or less, in trust, that whenever the State of South Carolina may accept said property as a donation from me, for the purpose of thereupon founding an agricultural college in accordance with the views I have herein before expressed, (of which the Chief Justice of South Carolina shall be the judge), then my executor shall execute a deed of the said property to the said State, and turn over to the same all property hereinafter given as an endowment of said institution to be held as such by the said State so long as it, in good faith, devotes said property to the purposes of the donation; provided, however, that this acceptance by the State shall be signified, and a practical carrying-out be commenced within three years from the date of the probate of this my will. During this term of three years, or as much thereof as may elapse before the acceptance or refusal of this donation, my executor shall invest the net produce of the land and other property; such invested fund awaiting the action of the legislature, and to form a part of the endowment of said institution if accepted, or to form a part of the endowment of the college or school hereinafter provided for, should the donation not be accepted by the State.

Item 2. The following named gentlemen, seven in number, shall be seven of the Board of Trustees, to wit:

R. W. Simpson, D. K. Norris, M. L. Donaldson, R. E. Bowen, B. R. Tillman, J. E. Wannamaker and J. E. Bradley, and the State, if it accepts the donation, shall never increase the board of trustees to a number

greater than thirteen in all, nor shall the duties of said board be taken away or conferred upon any other man or body of men. The seven trustees appointed by me shall always have the right, and the power is hereby given them and their successors, which right the legislature shall never take away or abridge, to fill all vacancies which may occur in their number by death, resignation, refusal to act, or otherwise. But the legislature may provide, as it sees proper, for the appointment or election of the other six trustees, if it accepts the donation. And I do hereby request the seven trustees above named, or such of them as may be living, or may be willing to act, to meet as soon after my death as practicable, and organize, and at once to fill all vacancies that may have occurred, and to exert themselves to effectuate my purposes as herein set forth, and I hereby instruct my executor to notify them of their appointment herein as soon after my death as practicable. The name of this institution shall be the "Clemson Agricultural College of South Carolina."

Item 3. Should the three years expire without the State accepting the donation, in manner as herein before provided, and if accepted, at the expiration of three years from my death no practical beginning has been made to carry into effect the purposes of the donation, or, if before the three years expire the legislature shall refuse to accept said donation, then the donation to the State is hereby revoked, and my executor shall execute his trust by conveying the said Fort Hill place, and the accumulated fund arising therefrom, together with all other property, real or personal, hereinafter disposed of and intended to be given to the said agricultural college, as an endowment, to the seven trustees named above, or their successors, who shall erect upon the Fort Hill place such a school or college for the youth of South Carolina as, in their judgment will be for their best interest; provided, that said school or college shall be for the benefit of the agricultural and mechanical classes principally, and shall be free of costs to the pupils, as far as the means derived from the endowment hereinafter provided and the use of the land may permit. The trustees shall securely invest the funds hereinafter provided and given to said institution and hold them as a perpetual endowment, and shall only use the interest derived therefrom and the income of the land to support and maintain said school or college, except that the accumulated fund derived from the land, and the interest derived from the fund hereinafter given said institution, from the time of my death, and as much as five thousand dollars of the principal fund may be used if, in the judgment of the trustees, it may be necessary to erect suitable buildings for said school or college. The name of this institution shall be the "Clemson Scientific School" or "College."

Item 4. It is my desire that the dwelling house on Fort Hill shall never be torn down or altered, but shall be kept in repair, with all the articles of furniture and vesture which I hereinafter give for that purpose, and shall always be open for the inspection of visitors, but a part of the house may be used by such of the professors as the trustees may direct.

Item 5. I give and bequeath to my granddaughter, Floride Isabella Lee, all of my silver plate and table silver, also all of the family pictures, except the large picture of John C. Calhoun, now hanging in my sitting room, also any one article in my present residence which she may select as a memento of me, also my decorations, and also the sum of fifteen thousand dollars (\$15,000), to be paid to her on the day of her marriage, or when she becomes twenty-one years of age, if unmarried; provided, that if my said granddaughter should die unmarried, and before she is twenty-one years of age, then all of said property mentioned in this item shall revert to and become a part of the residue of my estate, and become subject to the trusts and conditions of Items 1, 2, and 3 of this my will.

Item 6. I give and bequeath to my faithful housekeeper, Mrs. Jane Prince, one year's provisions for her and daughter, and furniture and bedding, suitable to her condition, sufficient to furnish two rooms, and the sum of three thousand dollars (\$3,000), to be paid to her at the expiration of one year after the probate of this my will, and I also desire my executor to permit her to live at Fort Hill until he disposes of the property as herein directed.

Item 7. I give and bequeath to Hester Prince, the daughter of my faithful housekeeper, as aforesaid, the sum of three thousand dollars (\$3,000) to be paid to her, or such person as may be selected by her and appointed her guardian, at the expiration of one year from the probate of this my will.

Item 8. I give to my executor, James H. Rion, as a memento of my friendship, the antique entaglio Marcus Aurelius Antonius sealing which I habitually wear, and also such one of my pictures as he may select, if the same is not selected by myself.

Item 9. I give and bequeath to my executor, or to be held by him subject to the trusts and conditions of Items 1, 2, and 3 of this my will, and for the purpose of adorning the Fort Hill residence as provided in Item 4 of this my will all of my permanent furniture, relics and articles of vesture, pictures and paintings, including the large painting or picture of John C. Calhoun, now hanging in my sitting room, and not otherwise disposed of herein, and all of my books.

Item 10. I direct my executor to sell, at public or private sale, as he may deem best, all the balance of my personal property upon my Fort Hill place, not herein disposed of, and to sell and convey all of my real estate lying and situate outside of the State of South Carolina, either at private or public sale, as he may deem best, and to hold the proceeds derived therefrom, together with the proceeds of the personal property, herein directed to be sold, subject to the trusts and conditions of Items 1, 2, and 3 of this my will.

Item 11. All the residue and remainder of my property of every kind and description whatsoever, after paying off the legacies above provided for, together with the property which may revert to my estate, should it revert thereto, and the proceeds of all my real and personal property herein directed to be sold, and all accumulated funds derived from the Fort Hill place and interest on my investments, I give and bequeath to my executor, to be held by him subject to the trusts and conditions of Items 1, 2 and 3 of this my will.

Item 12. I nominate, constitute and appoint my friend, James H. Rion, the executor of this will.

In witness whereof I have hereunto subscribed my name and affixed my seal before the witnesses below subscribing, the 6th day of November, A. D. 1886.

Thomas G. Clemson, L.S.

The above written instrument was subscribed by the said Thos. G. Clemson in our presence and acknowledged by him to each one of us, and he, at the same time, published and declared the same to be his last will and testament, and we, at his request, and in his presence, and in the presence of each other, have signed our names as witnesses hereto.

James Hunter
T. O. Jenkins
E. L. C. Terrie

Codicil to the Will of Thomas G. Clemson
State of South Carolina,
County of Oconee.

I, Thos. G. Clemson, of Fort Hill, in the State and county aforesaid do make this my codicil to my last will and testament, dated the 6th day of November 1886, hereby confirming my said last will and testament, so far as the same is not inconsistent with this, my codicil.

Item 1. I will and direct my executor to pay my debts and funeral expenses as soon after my death as practicable out of the proceeds of any part of my estate that is the most available.

Item 2. I hereby revoke the 12th item of my last will and testament as aforesaid, in which I appointed James H. Rion as executor of my will, he having recently departed this life, and I now do nominate and appoint my trusted friend, Richard W. Simpson, of Pendleton, South Carolina, my executor of my said last will and testament and of this my codicil thereto, and in my said last will and testament the name of James H. Rion, wherever it appears, shall be stricken out, and Richard W. Simpson shall be inserted in place thereof.

Item 3. I revoke the 8th item of my said last will and testament, in which I gave to James H. Rion my sealing ring and one of my pictures, which he may select, and I do now give and bequeath to R. W. Simpson my sealing ring, which I habitually wear, and such one of my pictures as he may select.

Item 4. I do hereby revoke Item 6 of my said last will and testament, which contains a bequest to my faithful housekeeper, Mrs. Jane Prince, she having been otherwise provided for.

Item 5. It is my will and I do direct that neither the legacy to my granddaughter in the fifth item of my said last will and testament, or the legacy to Hester Prince in the seventh item of my said will, shall bear any interest until the same are due and payable, as provided in said items of my said will.

Item 6. I authorize my executor to purchase that portion of the original Fort Hill tract of land which set off to Gideon Lee, guardian of Floride Isabella Lee, and the same if so purchased shall become a part of the Fort Hill tract of land, and shall go with and be disposed of as I have in my said will disposed of the Fort Hill tract.

Item 7. I will and direct my executor to sell either at private or public sale, and for cash or upon a credit, both as he may think best, all the real estate of which I may die seized and possessed, except the Fort Hill tract of land, whether the same be situate in the State of South Carolina or outside of it.

Item 8. Should the Chief Justice of South Carolina decline to decide when the State of South Carolina has or has not accepted the donation given to it in the first item of my said will, then I give to my executor the same power as I in the said first item of my will gave to the said Chief Justice, and his decision shall be final.

Item 9. I hereby authorize and direct my executor to employ such persons he may deem necessary to take charge of the Fort Hill dwelling house and the articles therein donated, and to manage the farm and to pay the said persons such a sum of money for their service as he may deem right and proper.

Item 10. In the view of the great responsibility and labor which my executor will encounter in managing the affairs of my estate, as directed in my said will, and in consideration of the great kindness he has shown to me, and of the assistance in taking care of my business when I have no other friend to help me, I will and bequeath that he, my said executor, shall have, take and receive in addition to the usual commissions allowed by law to executors as commissions for receiving and paying out money, five percent of the appraised value of my entire estate, both real and personal.

Item 11. I desire to state here that my granddaughter, Floride Isabella Lee, has received the one-fourth part in value of the original Fort Hill tract of land, the part which her mother, under the will of Mrs. John C. Calhoun, was entitled to, the same having been appraised and set off to her by commissioners appointed by Mrs. Clemson, and by Gideon Lee, her father and guardian, and she has also received through Gideon Lee, her said guardian, her mother's share of the estate of my son, John C. Clemson. Notwithstanding this fact, from a letter received by me some time ago from Gideon Lee, I am led to believe that as guardian of my said granddaughter, he will make claim to my estate a large balance alleged by him to be due my said granddaughter by me. I therefore desire and direct my executor to examine closely into such claim if so made, and if he, my said executor, is satisfied that the claim so made is justly due by me, to my said granddaughter to pay the same; but on the other hand, if he is not satisfied that the said claim or claims are justly due by me, then he shall not pay it or them unless compelled by law to do so, in which case I hereby revoke so much of the bequest of fifteen thousand dollars given in the fifth item of my said last will and testament to my said granddaughter as will be equal to the amount which my said granddaughter may recover against my estate.

Item 12. The desire to establish such a school or college as I have provided for in my said last will and testament, has existed with me for many years past, and many years ago I determined to devote the bulk of my property to the establishment of an agricultural school or college. To accomplish this purpose is now the one great desire of my life. I have not been unmindful of the interest of my said granddaughter, nor have I acted in this matter through any prejudice to anyone. It may be possible that the disposition of my property as herein made may not give satisfaction to my said granddaughter or to Gideon Lee, her father

and guardian, but I trust that neither the one nor the other, or any other person lawfully authorized by law to represent my said granddaughter, will ever attempt to frustrate or defeat the purpose which I have herein sought to accomplish, but will respect the settled desire of my life as contained in this my will, but should my desire and request as herein expressed be ignored, and should Gideon Lee, as guardian of my said granddaughter, or should my said granddaughter herself, or any other person lawfully authorized by law to represent her, or any person as heir, legatee or distributee of my said granddaughter in their right as such, attempt to contest my will or attempt to invalidate it, or attempt to change or alter it in any particular whatever, then it is my will and I do direct that such attempt or attempts to contest, alter, change or invalidate my said last will and testament, or codicil hereof, shall as soon as commenced work an absolute revocation of my entire and of all my bequests to my said granddaughter, Floride Isabella Lee, as made in fifth item of my said last will and testament, and then and in that case, my said granddaughter, Floride Isabella Lee, shall receive no part of my estate whatever, and the money and articles mentioned in the fifth item of my said will shall go to my executor and be held by him subject to the trusts and conditions contained in Items 1, 2, and 3 of my said last will and testament; provided, that my executor shall sell in manner as to him may seem proper any of the articles mentioned in the said fifth item of my said last will and testament, except the family pictures. These shall be held by my executor subject to the trusts and conditions of Items 1, 2, and 3 of my said last will, and kept with the other articles mentioned in the eighth item of my said last will and testament, to adorn the Fort Hill house.

Item 13. It is my will and I direct that my executor shall not be held liable for, or responsible for any losses to my estate by reason of my errors of judgment or mistakes, as I am fully aware of the varied and responsible duties I herein have required of him. This codicil is written in part on the fourth page of my last will and testament to which this sheet is attached, and which is dated November 6th, 1886.

Item 14. I authorize and empower my executor to expend such sums of money as he may deem necessary to keep the Fort Hill dwelling house and premises in repair, and the Fort Hill farm in good condition.

In witness whereof I have hereunto subscribed my name and affixed my seal before the witnesses below subscribing, this the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and eighty-seven (1887).

Thos. G. Clemson (L. S.)

The above written instrument was subscribed by the said Thos. G. Clemson in our presence and acknowledged by him to each one of us and he at the same time published and declared the same to be his codicil to his last will and testament, and we, at his request and in his presence, and in the presence of each other, have signed our names as witnesses hereunto.

R.M. Jenkins
C.W. Young
J.J. Mounc

The foregoing paper bears this endorsement

"This will was admitted to probate in common form on the 20th day of April A.D. 1888, and recorded in 'Will Book,' pages 234-244."

Richard Lewis,
"Judge of Probate"