

WILL OF

BENJAMIN HAILE

The State of South Carolina

In the name of God Amen! I Benjamin Haile of the Town of Camden in the state aforesaid, Planter, do hereby publish and declare this writing to be and contain my last Will and testament as follows to wit.

at

1.. First- I give and bequeath to my wife Amelia Haile for and during the term of fifteen years from this date all those two several tracts of Land on the Wateree River near Camden, one of which said tracts Contains five hundred and fifty nine acres and was by me purchased of Thomas Lang: and one other of said tracts Contains Six hundred and thirty two acres as was purchased by me of John Boykin. Also five hundred and forty seven acres of Sand hill land purchased of Thomas Lang. And four hundred & Seventy two acres of Sand hill land purchased of John Boykin, together with the Summer house situate on said lands. Also the horses mules hogs cattle, provision Crop, plantation tools and every thing attached to and appertaining to the said plantation- And from and after the expiration of fifteen years as aforesaid the said Amelia Haile is to have for and during the term of her natural life the summer house aforesaid and one hundred acres of Sand hill Land immediately adjoining and appertaining to the said summer house.

2.. Second- I give and bequeath to my wife Amelia Haile for and during the term of her natural life my dwelling house in the Town of Camden with the lots thereto attached together with the Household and Kitchen furniture which may be in or attached to or in use in the said dwelling house, at the time of my death. Intending hereby to create

Joshua and their increase from this date- 5.. Fifth-- I
give and bequeath to my son John Haile from and after the
expiration of Fifteen years from this date all that tract of
Land named in the first clause of this my Will Containing
Six hundred and thirty two acres of Swamp land and four hun-
dred & Seventy two acres of Sand hill land purchased of John
Boykin- Also a small tract of Land Known as the Carwell tract
situate One mile from Camden on the Road to Lancaster- Also
the remainder after the death of Amelia Haile in the dwell-
ing house and Lots in the Town of Camden mentioned in the
second clause of this my Will- to him his heirs and assigns
forever- 6.. Sixth- I give and bequeath to my son Charles
Evans Haile from and after the expiration of Fifteen years
from this date all that tract of Land named in the first
clause of this my will Containing Five hundred and fifty nine
acres of Swamp land and Five hundred and forty seven Acres
of Sand hill land purchased by me of Thomas Lang: Also the
summer house situate on the sand hill tract after the death
of Amelia Haile To whom a life Estate in the same is hereby
intended to be vested- 7.. Seventh- I give and bequeath to
my sons Columbus, and Thomas Haile a moiety or one ninth
part of one hundred and ninety negroes now in my possession
and their increase from this day: To hold the same In trust
for the use and benefit of Elizabeth Haile for and during
the term of her natural life, without being in any manner
liable to the debts Contracts or disposal of any person what-
ever with whom she may hereafter intermarry- and from and
immediately after the death of the said Elizabeth They shall
hold the said moiety of negroes and their increase for the

Six hundred and thirty two acres of Swamp land and four hundred & Seventy two acres of Sand hill land purchased of John Boykin- Also a small tract of Land Known as the Carwell tract situate One mile from Camden on the Road to Lancaster- Also the remainder after the death of Amelia Haile in the dwelling house and Lots in the Town of Camden mentioned in the second clause of this my Will- to him his heirs and assigns forever- th 6.. Sixth- I give and bequeath to my son Charles Evans Haile from and after the expiration of Fifteen years from this date all that tract of Land named in the first clause of this my will Containing Five hundred and fifty nine acres of Swamp land and Five hundred and forty seven Acres of Sand hill land purchased by me of Thomas Lang: Also the summer house situate on the sand hill tract after the death of Amelia Haile To whom a life Estate in the same is hereby intended to be vested- th 7.. Seventh- I give and bequeath to my sons Columbus, and Thomas Haile a moiety or one ninth part of one hundred and ninety negroes now in my possession and their increase from this day: To hold the same In trust for the use and benefit of Elizabeth Haile for and during the term of her natural life, without being in any manner liable to the debts Contracts or disposal of any person whatsoever with whom she may hereafter intermarry- and from and immediately after the death of the said Elizabeth They shall hold the said moiety of negroes and their increase for the use and benefit of the heirs of the body of the said Elizabeth th ~~at the time of her death share and~~ share alike. th 8.. Eighth I give and bequeath to my sons Columbus & Thomas a moiety or one ninth part of one hundred and ninety negroes now in my possession and their increase

from this day- To hold the same In trust- for Rebecca Matheson wife of Parquir Matheson for & during the term of her natural life and shall permit and suffer the said Rebecca to have and enjoy the hire labor and services of the said negroes and their increase without being in any manner liable to the debts contracts or disposal of her present or any future husband. And from and immediately after the death of the said Rebecca then upon this further trust that they the said Columbus and Thomas shall hold the said negroes and their increase for the use and benefit of the heirs of the body of the said Rebecca who may be living at the time of her death share and share alike.

9.. Ninth I give and bequeath to my wife Amelia Haile, and to my sons Columbus, Thomas, Edward (torn) John and Charles Evans Haile (torn) moiety or one ninth part of one hundred and ninety negroes now in my pof (torn) their increase from this day- The (torn) given to my wife Amelia Haile to be to her for and during the term of fifteen years (torn) and from and after the expiration (torn) years from this date her portion of the said negroes assigned to her shall be equally (torn) share alike between Rebecca, Elizabeth (torn) Columbus, Thomas, Edward, William John and Charles Evans Haile & Elizabeth share and share alike (torn) of Rebecca unwill der this clause of my . . . subject to the same restrictions and limitations as the portions given to them in the Segenth and eighth clauses of this my Will. And in case of the death of either of the above named Rebecca, Elizabeth, Columbus, Thomas, Edward, William, John and Charles without

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(1789-1816)
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negroes and their increase without being in any manner liable to the debts contracts or disposal of her present or any future husband. And from and immediately after the death of the said Rebecca then upon this further trust that they the said Columbus and Thomas shall hold the said negroes and their increase for the use and benefit of the heirs of the body of the said Rebecca who may be living at the time of her death share and share alike. 9.. Ninth I give and be-
queath to my wife Amelia Haile, and to my sons Columbus, Thomas, Edward (torn) John and Charles Evans Haile (torn) moiety or one ninth part of one hundred and ninety negroes now in my pof (torn) their increase from this day- The (torn) given to my wife Amelia Haile to be to her for and during the term of fifteen years (torn) and from and after the expiration (torn) years from this date her por- tion of the said negroes assigned to her shall be equally (torn) share alike between Rebecca, Elizabeth (torn) Columbus, Thomas, Edward, William John and Charles Evans Haile & Elizabeth share and share alike (torn) of Rebecca un-
will der this clause of my . . . subject to the same restric- tions and limitations as the portions given to them in the Seventh and eighth clauses of this my Will. And in case of the death of either of the above named Rebecca, Elizabeth, Columbus, Thomas, Edward, William, John and Charles without issue then and in that case the portion of negroes given to them in this my will to be equally divided between the Sur-
beth subject to the same restrictions and limitations as in the Seventh & eighth clauses and it is my will and desire and I do direct that as soon as any one of my said daughters

or sons in this clause named arrives at the age of twenty one years or marries and desires it. That his or her share in full of said negroes in this clause mentioned with their increase from this day up to the time of such apportionment also a moiety of Stock of Cattle, Hogs & Mules shall be divided off to him or her. And it is my desire in the event of the death or marriage of my Wife Amelia that the entire division of the negroes be then made-- 10.. Tenth I will and bequeath to my Wife Amelia the right and privilege, the right of planting and cultivating all the lands herein given to and bequeathd to my sons John and Charles so long as the same are not given off to them severally at the time herein provided, And it is my desire that such of my children as are not married or under the age of twenty one years be supported and maintained out of the profits arising from the labor of the negroes named and mentioned in the ninth clause so long as he she or they are under age or unmarried-- And it is my will & desire that after the current expense annually of the family and plantation are paid that my executors and Executrix do divide the surplus of the profits of the said planting interest annually into as many parts as will give my said wife and each of my said children named in the ninth clause hereof and then remain under the age of twenty one years, or unmarried an equal part thereof and invest the share of each one in good Bonds or Bank Stock-- The share thereof of each one to be given him or her whenever his or her share of lands or negroes are given off to them absolutely-- 11.. Eleventh, I give and bequeath to my wife Amelia Haile (after the expiration of fifteen years

increase from this day up to the time of such apportionment also a moiety of Stock of Cattle, Hogs & Mules shall be divided off to him or her. And it is my desire in the event of the death or marriage of my Wife Amelia that the entire division of the negroes be then made- th 10.. Tenth I will and bequeath to my Wife Amelia the right and privilege, the right of planting and cultivating all the lands herein given to and bequeathd to my sons John and Charles so long as the same are not given off to them severally at the time herein provided, And it is my desire that such of my children as are not married or under the age of twenty one years be supported and maintained out of the profits arising from the labor of the negroes named and mentioned in the ninth clause so long as he she or they are under age or unmarried-- And it is my will & desire that after the current expense annually of the family and plantation are paid that my executors and Executrix do divide the surplus of the profits of the said planting interest annually into as many parts as will give my said wife and each of my said children named in the ninth clause hereof and then remain under the age of twenty one years, or unmarried an equal part thereof and invest the share of each one in good Bonds or Bank Stock- The share thereof of each one to be given him or her whenever his or her share of lands or negroes are given off to them absolutely-- th 11.. Eleventh, I give and bequeath to my wife Amelia Haile (after the expiration of fifteen years the time for which the plantations on the waterce were given to her and at which time her right thereto will expire) all the annual interest which shall accrue on five hundred share (twenty five thousand dollis) in the bank of

Camden for and during the term of her natural life and no longer. And from and immediately after the death of the said Amelia Haile then the said Five hundred shares (or twenty five thousand dollars) in the Bank of Camden to be equally divided between my daughter Elizabeth and my Sons Edward & William share and share alike. The part hereby given to my daughter Elizabeth is in charge & subject to the same restrictions and limitations as the bequest in Clause Eight of this Will.

12.. Twelfth I give and bequeath to my son Benjamin Haile one undivided half of all the land purchased by me from James S. Deas lying partly in Sumter and partly in Kershaw district now in his possession to him his heirs and assigns forever. The other undivided half of said Land I have heretofore given by deed to Catharine Matheson wife of Christopher Matheson which deed I also confirm, I also confirm to my said Son Benjamin Haile the title to the negroes I have heretofore put him in possession of Viz. Sam, Anachy his wife, Regules, Venus, Virginia, Joanne Elisha, Isaac, Jeff and Eliza with their issue and increase from the time of their delivery, to him his heirs and assigns forever.

13.. Thirteenth I give and bequeath to my son James C. Haile a small slip of Land lying on Hanging Rock Creek containing about thirty acres all that is now under his fences which I have heretofore put him in possession of to him his heirs and assigns forever. I also give to my said son James C. Haile the following negroes with their issue from this day Viz. Dave, Grace and her child Anachy to him his heirs & assigns forever.

14.. Fourteenth- I give and bequeath to my daughter Susan Lanier the Heaton tract of Land on

William share and share alike- The part hereby given to my daughter Elizabeth is in charge & subject to the same restrictions and limitations as the bequest in Clause Eight of this Will.

12.. Twelfth I give and bequeath to my son Benjamin Haile one undivided half of all the land purchased by me from James S. Deas lying partly in Sumter and partly in Kershaw district now in his possession to him his heirs and assigns forever. The other undivided half of said land I have heretofore given by deed to Catharine Matheson wife of Christopher Matheson which deed I also confirm, I also confirm to my said Son Benjamin Haile the title to the negroes I have heretofore put him in possession of Viz. Sam, Anachy his wife, Regules, Venus, Virginia, Joanne Elisha, Isaac, Jeff and Eliza with their issue and increase from the time of their delivery, to him his heirs and assigns forever.

13.. Thirteenth I give and bequeath to my son James C. Haile a small slip of Land lying on Hanging Rock Creek containing about thirty acres all that is now under his fences which I have heretofore put him in possession of to him his heirs and assigns forever- I also give to my said son James C. Haile the following negroes with their issue from this day Viz. Dave, Grace and her child Anachy to him his heirs & assigns forever-

14.. Fourteenth- I give and bequeath to my daughter Susan Lanier the Helton tract of Land on which she now lives containing one hundred acres purchased of Burwell Helton lying on Both sides of Little Lynchs Creek Also one other tract of Land called the "Johnson tract" lying and being in the district of Lancaster on both sides of Little Lynch's Creek containing one hundred and eighty eight acres purchased by me from Thomas Welsh lying im-

tract" shall bind on the main road leading to my Hanging
Rock Mill also a line shall be extended down the said road
so as to give my said daughter three hundred and fifty acres
more adjoining the Helton and Johnson tract on the west side
of the road to her and her heirs and assigns forever in fee
simple- provided nevertheless that if a gold mine shall at
any time hereafter be found upon the said tracts of Land my
said daughter shall not have power to sell the tract or
tracts containing the said mines but the same shall be equal-
ly divided between the heirs of her body living at the time
of her death share and share alike- I will and Confirm to
her and to her heirs and assigns forever the negroes in her
possession heretofore given to her. 15.. Fifteenth- I give
and bequeath to my sons Edward and William all those two
tracts of Land bought by me from Marshall Gainer and others
Containing two thousand four hundred and Sixty three acres
(2463) also the land purchased by me of Benjamin Bineham
containing Twelve hundred & fifty Acres (1250) the said
lands lying on both sides of little Lynch's Creek and on both
sides of hanging Rock Creek in Kershaw district- Also the
tract of Land purchased of Thomas Welsh Containing three
thousand Six hundred and Sixty four acres lying on both sides
of Little Lynchs Creek in Kershaw and Lancaster districts
except the Johnson tract and the portion of the Welsh tract
bequeathed to Susan Lanier by a former clause in this Will-
Also the Hugh Davidson tract containing one thousand and
Eighty five Acres lying on the north side of little Lynchs
Creek and binding on the said Creek lying in the district of
Kershaw Also the Mahaffy tract containing three hundred acres
and the mill thereon situated lying on Hanging Rock Creek
in Kershaw District purchased by me at Sheriffs Sale as the

so as to give my said daughter three hundred and fifty acres more adjoining the Helton and Johnson tract on the west side of the road to her and her heirs and assigns forever in fee simple- provided nevertheless that if a gold mine shall at any time hereafter be found upon the said tracts of Land my said daughter shall not have power to sell the tract or tracts Containing the said mines but the same shall be equally divided between the heirs of her body living at the time of her death share and share alike- I will and Confirm to her and to her heirs and assigns forever the negroes in her possession heretofore given to her. 15.. Fifteenth- I give and bequeath to my sons Edward and William all those two tracts of Land bought by me from Marshall Gainer and others Containing two thousand four hundred and Sixty three acres (2463) also the land purchased by me of Benjamin Bineham containing Twelve hundred & fifty Acres (1250) the said lands lying on both sides of little Lynch's Creek and on both sides of hanging Rock Creek in Kershaw district- Also the tract of Land purchased of Thomas Welsh Containing three thousand Six hundred and Sixty four acres lying on both sides of Little Lynchs Creek in Kershaw and Lancaster districts except the Johnson tract and the portion of the Welsh tract bequeathed to Susan Lanier by a former clause in this Will- Also the Hugh Davidson tract containing one thousand and Eighty five Acres lying on the north side of little Lynchs Creek and binding on the said Creek lying in the district of Kershaw Also the Mahaffy tract containing three hundred acres and the mill thereon situated lying on Hanging Rock Creek in Kershaw District purchased by me at Sheriffs Sale as the property of ~~myself~~ their heirs and assigns for-

ever in fee simple to be given off and equally divided between my said sons Edward and William whenever the elder arrives at the age of twenty one years or marries regard being had on such division to the location of said lands so as to make two convenient settlements and plantations.

th
16.. Sixteenth I exempt save and reserve the gold mine or mines now in operation or opened or hereafter to be put in operation or opened or which may hereafter be found upon the lands given to my sons Edward and William by the fifteenth clause of this will. The said mines are not given to them but are saved and reserved out of the legacy to them- And I will and direct that the said mines shall be kept working by my Execurix and Executors in the same manner as it is now worked for the space of Seven years from this date if the same continues to be profitable and with a force equal to that which is now there for me individually- And the miners who are now at work at the mine are to continue to work for the said term of Six years from this date with the same rights and privileges and subject to the same rules and regulations prescribed by me as now exist- And out of the (nett) profits of the working of Said mines for the said term of Six years including the rents there shall be an equal division between Rebecca, Elizabeth, William and Charles and Edward and John share and share alike- The legacy given to Rebecca & Elizabeth by this clause of my will I direct to be subject to the same limitations as in clauses Seven and Eight of this my will at the end of Six years to be the property th of William and Edward in fee simple. 17.. Seventeenth- I

make two convenient settlements and plantations.

th
16.. Sixteenth I exempt save and reserve the gold mine or
mines now in operation or opened or hereafter to be put in
operation or opened or which may hereafter be found upon the
lands given to my sons Edward and William by the fifteenth
clause of this will. The said mines are not given to them
but are saved and reserved out of the legacy to them- And
I will and direct that the said mines shall be Kept working
by my Execurix and Executors in the same manner as it is
now worked for the space of Seven years from this date if
the same continues to be profitable and with a force equal
to that which is now there for me individually- And the
miners who are now at work at the mine are to continue to
work for the said term of Six years from this date with the
same rights and privileges and subject to the same rules and
regulations prescribed by me as now exist- And out of the
(nett)
.....profits of the working of Said mines for the said term
of Six years including the rents there shall be an equal di-
vision between Rebecca, Elizabeth, William and Charles and
Edward and John share and share alike- The legacy given to
Rebecca & Elizabeth by this clause of my will I direct to be
subject to the same limitations as in clauses Seven and Eight
of this my will at the end of Six years to be the property
of William and Edward in fee simple. 17.. Seventeenth- I
give to my daughter Mary W. Kennedy wife of William Kennedy
one negro woman Hannah and her child Chapman and her future
increase to her and her heirs and assigns for ever subject to
the same limitations and restrictions as are made in the Leg-
acies to Rebecca & Elizabeth in the seventh and Eighth
clauses of this my Will- 18.. Eighteenth.- It is my will

and desire and I so direct my executrix and executors at any time when in their discretion it may seem expedient to do so to sell and dispose of any portion of my Stock of Cattle or other perishable property-th 19.. Nineteenth. It is my will

and desire that the tract of Land in Chesterfield district containing one hundred and twenty Six Acres be sold by my executors and Executrix and they are hereby authorised to execute good and sufficient titles to the same.

th 20.. Twentieth- ~~XII/XX~~ I give and bequeath to my son Columbus and Thomas each the sum of twenty thousand dollars to be laid out for Land under the advisement and direction of

~~my executrix.~~ st 21.. ~~Twenty first~~ All the rest and residue of my Estate not particularly mentioned and set forth in this Will which I may have be entitled to at the time of my death I will and bequeath that the same be equally divided between all my children named in the ninth clause of this my will share and share alike- Such part as shall be received by my daughters under this clause of my will Shall be subject to the same limitations and conditions as are expressed in the Seventh and Eighth clauses of this my Will and my Executrix and Executors are particulary charged with the faithful execution of the limitations in this Will.-^d 22. Twenty Second-

My Carpenter Joe and my Blacksmith Mills are not to be taken in the general division of the negroes heretofore given and bequeathed but are to remain with my Executrix and executors untill a final divison of my Estate takes place- say fifteen years from this date.-^d 23. Twenty third- I do hereby revoke annul and cancel all others and every other Wills and testament heretofore made or executed by me-

24 Twenty fourth- I nominate and appoint my wife Annalia Haile Executrix and my sons Columbus Haile, Thomas Haile and Edward Haile Executors of this my last Will and testament.

In testimony whereof I the said Benjamin Haile have here-
unto set my hand and affixed my Seal this thirteenth day of
September in the year of our Lord one thousand eight hundred
and forty one and in the Sixty fifth year of American Inde-
pendence at Camden in the State of South Carolina.

Signed Sealed Published and de-
clared as & for the his last
Will and testament by Capt. Ben-
jamin Haile in the presence of
us- and in the presence of each
other We have Subscribed our
names as Witnesses thereto.-----

B. Haile (SEAL)

J. C. West

A. Johnson

W. J. Grante

Not Recorded in Any Will Book

Ordinarys office. Kershaw district April 25th. 1850.

Offered as Evidence & proven by the eviden^{ce} of Jno. C. West.

Ord. John R. Joy

Apt. 29 Pkg. 1017