

I Thomas Heath of Richland District & State of South Carolina ,
calling to mind the uncertainty of Life, and deeming it necessary
to arrange my Estate, do make the following to be my last will
& Testament.-----

First-- I do hereby nominate constitute & appoint my Friend
General William Hopkins a Trustee in whom shall vest the legal
Estate of the property which by this will I give for the benefit
of my son Ethel Heath, and my son John T. Heath a Trustee in
whom shall vest the legal Estate of the property which by this
will I give for the benefit of my grand Daughter Sally W. Nott,
and my son in Law William Owens a Trustee in whom shall vest
the legal Estate of the property which by this will I give for
the benefit of my Daughter Eliza Owens his wife, and my Son in-
law Samuel H. Owens a Trustee in whom shall vest the legal Estate
of the property which by this will I give for the benefit of my
grandDaughter Mary Heath Owens, & said Trustees shall hold the
property which I ~~do~~ give them in Trust subject to the uses,
Trusts limitations & conditions which I shall hereinafter declare
but neither of said Trustees shall be held liable to account for
said Trust property, or its income & profits except so far as
he may have actually received it and if either of my said Trustees
shall refuse or neglect ~~to~~ accept said Trust or shall die before
the termination of the Trusts herein created, then I order &
direct my Executors & my Devizees & Legatees to cause another
Trustee to be appointed, according to Law, in the place & stead
of the one so refusing or neglecting to accept or so dieing &
when so appointed the Trust property shall vest in such newly
appointed Trustee on the same terms & conditions subject to the
same Trusts & uses as it was vested in the original Trustee.---

Secondly--- I give devise & bequeath unto said Trustee Genl William
Hopkins in Trust for the use & benefit of my son Ethel Heath,
for & during the term of his natural Life the following Lands

1. Real Estate Viz all that piece or parcel of land situate in the
Congaree low grounds which is bounded by the East by Jesse H.

West by Singleton's Lands and to the South by a Line to be run from the point where the outer Corners stands which lately separated said Singletons & Maj'r John Threewits Land to the Alligator Hole in Myers Mill pond & extending said Line Eastwardly to my boundary. & which Line will separate this from another part of Land, and which piece or parcel of Land included the Lands I purchased from James H. Adams & is supposed to contain about three hundred Acres. Also all that piece or parcel of pine Land lying on the East side of Little Creek below the Rail Road bounded by Little Creek on the West, by Mrs Green's & Mrs Brevard's Lands on the South by Mrs Brevard's & said Ethel Heaths Lands on the East, and by the Rail Road on the North supposed to contain between five & six hundred Acres, Also the four acre Lot together with the improvements thereon, and also the one half of my wild Cat Land which I purchased from the Estate of Majr James Goodwyn the part or half hereby intended to be given in the upper or North West part & adjoins my said Summer residence And also the following Ten Negroes Viz Moriah & her two sons Jim & Ellick, Bram & his Son John, and also Tiller, Bob, Spencer Jerry, & old Jinny together with their future issue & increase and also the one sixth part of all my stock of Horses, Mules Cattle, Hogs, Waggon. Plantation Tools & Household furniture of every discreption. It is my will & desire that my said Trustee shall permit the said Ethel to have, keep & hold the possession of said property, & use it for his own benefit as he may think proper as long as he may live, provided he shall use it prudently & discreetly, but if my said Trustee shall at any time determine that said Ethel does not make a prudent & proper use of said property, then he is authorized to take the possession control & management of said property into his own hands & to manage it for said Ethels benefit, But in no event is said property or any part of it to be sold or disposed of to pay said Ethels Debts or for any other purpose and after the death of said Ethel my said

he shall leave one, or if he shall leave more than one, then to them equally, & if any Child of said Ethel shall have died before him leaving Issue, that Issue shall take the share the parent would have taken if alive, But if said Ethel shall die leaving at his death neither a lawful Child or children or other lineal descendant then my will & desire is that my said Trustees shall convey the said property to my surviving Heirs as a part of my Estate to be distributed amongst them agreeably to the Laws of this State regulating the distribution of Interea Intestate Estates.-----

Thirdly-- I give & bequeath to my Daughter Rebecca Kirkland all the money which on an adjustment of the accounts & demands between myself & the Estate of John D. Kirkland, may be found to be due to me by my said Estate & authorize her to collect & recive the same for her own use & benefit.-----

Fourthly-- I give & devise to my Heirs one half acre of Land which shall include my family Grave Yard, & which I order & direct shall be reserved for the family burying Ground.-----

Fifthly-- I order & direct my Executors hereinafter named to sell all the rest & residue of my Lands & Real Estate my Bluff Plantatin with the adjoining Pine Hands situate to the West of Little Creek & below the Rail Road supposed to contain about Eleven hundred acres I wish sold together as one tract or ~~par~~ plantation, & if any one or more of my Children shall desire to own said plantation I hereby authorize my Executors to sell the same to him her or them at such fair caluation as may be fixed upon by any three or four ~~Wentlemen~~ respectable disinterested Gentlemen, but if none shall desire to own it then it is to be sold to the best advantage to any other person and the other Lands not before disposed of, I direct my Executors to have run out into such conveint Tract & parcels as will suit purchasers & promote a good sale, and when so run out to sell them to the best advantage, The sale of these Lands & also of the Bluff place to be an a credit of one two or three years in equal installments with interest from the

& a mortgage of the premises and I hereby authorize & empower
my Executors to make Titles for the same.-----

Sixthly- All the rest & residue of my personal Estate, including
the amount of sales of the lands as above directed, & all money
Bonds & choses in action and Negroes stock of Horses, Mules Cattle
Hogs, Waggon plantation Tools and Household furniture & growing
Crop after paying any Debts which I may owe, the current expences
of the year & the expences administration I give & dispose of
as follows Viz.-----

I give & bequeath the one fifth the part thereof to my Son John
Heath to him & his Heirs forever.-----

I give and bequeath one other fifth part thereof to my Daughter
Rebecca Kirkland to her and her Heirs forever.-----

I give and bequeath one other fifth part thereof to my Son in law
William Owens in Trust for the use & benefit of my Daughter Eliza
Owens for and during the Term of her natural life, but the said
property is not to be liable for her Debts or the Debts of her
present or any future Husband, she is however to have the use &
benefit of it and at her death my said Trustee shall convey the
said property to the child or children of said Eliza if she shall
leave any alive in equal shares, & if she shall leave a grand child
or Grand children whose parents shall then be dead, the share the
parent would have taken if alive shall be conveyed to such grand
child or grand children, But if said Eliza shall die leaving no
Child or lineal descendant in that event I hereby authorize her,
by her last will & Testament to give and dispose of the one half
of the aforesaid one fifth as she may think proper and the remain-
half of the aforesaid one fifth my said Trustee shall convey to
my surviving Heirs & the same shall be a part of my Estate & be
distributed amongst them agreeable to the provisions of the Laws
of this State regulating the distribution of the Intestate Estate

I give and bequeath to my said Trustee John T. Heath in trust
for my Grand Daughter Sally W. Nott during her life one other

one fifth part thereof and at her death my said Trustee shall make

& fund to the Child or Children of said Sally W. Nott in equal shares & proportions if more than one & to the Grand Child or Grand Children of said Sally W. Nott if she leave any whose parent shall then be dead the grand Child or Grand Children taking the share the parent would have taken if alive, but if the said Sally W. Nott shall die leaving neither Child nor Children nor other Lineal descendant then the said Trustee shall convey said Trust property & Fund to my surviving Heirs to be divided amongst them. agreeable to the provisions of the Laws of this State regulating the distribution of Intestates Estates. I direct my said Trustee that he shall according to his best judgement invest the money which may fall to the share of the said Sally W. Nott in the division of my Estate, in some profitable & safe Stock or fund, or in the purchase of such other property as he may think most beneficial for her, & that he shall at his discretion either keep the possession control & management of the whole Trust Estate himself & pay to her the amount of the nett income annually or oftener if realized, or suffer it to pass into her possession to be managed by her, but he is charged to provide especially that the Trust property & Fund shall not be spent or sold for her Debts or the Debts of her present or any future Husband, & take care that the same to be preserved for the benefit of those who are to take it after her Death.-----

And the remaining fifth part thereof I give and bequeath to my said Trustee Samuel H. Owens in Trust for the use and benefit of my grand Daughter Mary Heath Owens for the Term of her natural life, and at her death the said one fifth of my Estate shall vest in her lawful Child or Children & lineal descendants, if she shall leave any, absolutely and in equal shares if more than one, the issue of any deceased Child of said Mary Heath Owens taking the share the parent would have been entitled to, if said parent had survived the said Mary Heath Owens, But if said Mary Heath Owens shall die without leaving any lawful Child or Children or lineal descendant, then the whole of the said one fifth of my

regulating the distribution of Intestates Estates. If however said Mary Heath Owens shall live to attain the age of twenty one years shall afterwards die without leaving a lawful Child or Children or lineal descendant in that event I hereby authorize her to give by her last will & Testament the one half of the aforesaid one fifth of my Estate to whomsoever she may please,--
Seventhly-- As it regards the Debts due me by John J. Chappell I order and direct that he shall not be pressed for the prompt payment thereof agreeably to the Terms of the Bonds, but that provided he will pay up the amount of Interest which may annually become due on them also Two thousand Dollars in part of the principle annually, & I keep the balance which may remain due well secured so as to ensure its eventual payment he shall be indulged accordingly.-----

And lastly I hereby nominate and appoint my son John T. Heath and my Friends William Hopkins Benjamin F. Taylor & Daniel Kinsler Executors of this my will hereby revoking all former wills by me made, & declaring this to be my only true & last will and Testament. In witness whereof I have herunto set my hand and affixed my seal this the fifteenth day of August anno domini one thousand eight hundred and forty seven.-----

I also appoint my Son ~~My~~ Law Samuel H. Owens & William Owens Executors of this my will together with the other persons above named as Executors.-----

This addition of other Executors is made before the signing & sealing of this will-----

Thomas Heath.

Signed sealed & declared by the said Thomas Heath to be his last will and Testament in our presence who at his request & in his presence & in the presence of each other, have subscribed our names as witnesses thereto the day above written.-----

Joe A. Reese.

Joe Hay

James Campbell

In the Clause in the foregoing will appointing my Executors I have named Daniel Kinsler as one of my Executors, but I have been induced to change my will in that particular & I hereby revoke his appointment as Executor, & direct that he shall have no authority as one of my Executors This Twenty first day of March 1851 Witness my hand & seal .-----

Signed sealed & declared by the said

Thomas Heath to be his last will & Testament in our presence who at his request & in his presence & in the presence of each other have subscribed our names as witnesses thereto the day last above written.-----

Jos A. Black

Jno H. Boatwright

James A. Black

THOMAS HEATH .

WILL*

Filed 22 December 1854 Ordinarys office Richland District.

Recorded in Record Book of Wills -----

Pages- 221-222-223-224-225-226-227-

James S. Guignard
Ordinary.

This is the Second codicil to the foregoing last will and testament of me Thomas Heath planter of Richland District State of South Carolina . In the Second Clause of said last will and testament I have ^{ordered} and directed that John J. Chappell shall not be pressed agreeable to the terms of the bonds for the the prompt payment of the monies owing by the said John J. Chappell to me and that provided he will annually pay the interest accruing thereon and two thousand dollars of the principal annually he shall be indulged accordingly. Now considering the length of time that must elapse before his debt to me can be paid upon three terms and considering the uncertainty of all human affairs, I believe that it will be to the interest of my heirs that I should alter and change said clause so as to give to my Executors the right and the power to collect at any time

they may think proper all the monies owing by the said John J Chappell to me. And I do hereby authorize and empower my Executor at any time they may think proper to collect all the monies owing by the said John J. Chappell to me, I would suggest to my Executors to extend to said John J. Chappell all reasonable indulgence in the payment of the monies owing by him to me taking care at the same time not to allow my Estate to suffer any detriment thereby.-----

I give and bequeath to my Grand Son Thomas Heath Owens a negro boy named Nichodemus about fifteen or Sixteen years of age I desire that the said negro boy Nicholemus should be bound out to the blacksmith trade until he becomes well acquainted with said trade. In witness I have hereunto set my hand and seal this twenty first day of December in the year of our Lord one thousand eight hundred and fifty two.-----

In presence of

The Heath.

Jesse G. Lykes - Jos A. Reese - Edward Gunter.

SOUTH CAROLINA) Personally appeared Joseph A. Reese and made
RICHLAND DISTRICT) oath that he saw Thomas Heath sign seal
publish pronounce and declare the annexed deed to be his last
will and Testament that he was then of sound and disposing mind
according to the best of this Deponents knowledge and belief
and that he with James Hay and James Campbell at the request of
the Testator in his presence and in the presence of each tanother
witnessed the due execution thereof-- and also made oath that he
saw Thomas Heath sign seal publish pronounce and declare the
Deed purporting to be a Second Codicil to be a Codicil that he
was then also of sound and disposing mind according to the best
of this Deponents knowledge and belief and yhat he with Jesse G
Lykes and Edward Gunter 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

Jos A. Reese

this 22 day of December 1854

CON'T

WILL OF

#9

THOMAS HEATH.

SOUTH CAROLINA) Personally appeared James A. Black and
RICHLAND DISTRICT) made oath that he saw Thomas Heath sign
seal publish pronounce and declare the Deed revoking the
appointment of Daniel Kineler as one of his Executors to be his
will and that he with Joseph A Black and John D. Boatwright 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

James A. Black

22 December 1854

James S. Guignard.

Ordinary.

REcorded in Will Book L-

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