

it, by his wife Catherine, & to those now living & those who may be born hereafter. It is my will if either of the children should die before attaining twenty one years or marriage, then his or her portion is to pass equally to the other surviving children; it is my further intention & will that my son Gilbertson & his wife are to live upon & enjoy the profits of the estate bequeathed to their children, during the natural lives of the said Gilbertson & Catherine. His last provision I make, to secure my son & his wife a comfortable home & which I should be gratified to think he would enjoy unobscured but as it is my intention & will that the property devised to my grand children should be always available for their education and support I wish it effectually guarded in the construction of this testament against the creditors of my son, if, unfortunately, misfortune should overtake him; for further security on this point I will add that I give the title and possession of the property aforesaid to the children aforesaid, with the charge upon it, of a residence, for their Father & Mother, with the use & control of the estate during their lives, or until it shall be subjected to the debt of my son, upon the happening of either of which events viz, the death of Gilbertson this wife or the subtraction of the estate to the creditors of my son, the estate real & personal shall be immediately vested absolutely, without limitation or condition in the aforesaid children; it is my further will if my son Gilbertson should die & his wife marry, then all the rights, privileges & interests secured to her by this will are to be determined by the marriage; and lastly, I do hereby constitute & appoint my wife executrix & my brother Isaac, Oliver Executor of this my last will & testament, revoking & annulling all former wills by me heretofore made, ratifying and confirming this and none other to be my last will & testament; In testimony whereof I have hereunto set my hands & affixed my seal this 23rd day of January eighteen hundred and fifty two Signed, sealed, published & declared by Charles Oliver, the above named Testator as upon his last will & testament, in the presence of us, who at his request, in his presence and in the presence of each other, have subscribed our names as witnesses thereto

WM Peyton
Jno R Richardson
Thos N. Cooke
Charles A. Oliver

At Roanoke, July Court 1851. A paper purporting to be the last Will and testament of Charles Oliver deceased, was this day produced in Court, and proved in part by the oath of William M. Peyton one of the subscribing witnesses thereto. The handwriting of John R Richardson another subscribing witness thereto who was shown to be dead, was also proved by the said William M. Peyton, William G. Peck and John B. S. Logan and upon this

proof, the said will is ordered to be recorded; And on the motion of Lucy J. Oliver the Executrix therein named (the Executor therein named, Isaac Oliver, being dead), who made oath thereto, and together with William Langhorne, Samuel H. Holt, William G. Peck and Gilbertson & Oliver her executrix, entered into and acknowledged a Bond in the penalty of \$20,000. with condition according to Law; a certificate is granted her for obtaining a probate of said will in due form

A. Coffey. Secy. J. Johnston &

Kemp Gaines

In the name of God amen; I Kemp Gaines of Roanoke County & State of Virginia, being of sound mind & memory & knowing the frailty of man, the uncertainty of life & the certainty of death, do make & declare this to be my last will & testament as follows, 1st I give unto God the giver of all things, my soul, & my body to the dust to be buried in a plain & decent manner. 2nd I wish the farm on which I now reside, to be divided as follows viz 1/4th line commencing at a black oak on the line between Mr. Hatcher's farm & mine to run south, or nearly so along the middle fence, by my corn crib & thence in a straight direction south to my back line, after it is thus divided I wish the western division to be sold by my administrators as they may see proper together with all the moveable property belonging to me, except such as may be hereafter named & the proceeds thereof, to be appropriated to satisfy my just debts & the Eastern division I give & bequeath to my beloved wife Mary, her life-time & after her death I give & bequeath the same to my son Thomas to be his forever, I wish my son Thomas to take good care of his mother & not let her suffer, to be a kind & affectionate son, 3rd I give & bequeath to my beloved wife Mary one feather bed & bedding & black Stead, 1 bureau, 1 table & cooking utensils & 1 Cow to be hers & at her disposal, 4th If any thing is left after my debts are paid I give & bequeath to my grand son William Kemp Gaines, son of James Gaines, fifty dollars, 5th I hereby wish my son Thomas W. Gaines & A. B. Hatcher to administer upon my estate, without security; In testimony whereof I witness my hands & Seal this the twenty third day of April Anno Domini, One thousand eight hundred & fifty One

witnesses
Samuel A. McCoukey
John B. S. Bolt
William C. Goodwin

K. Gaines (seal)

At Roanoke June Court 1851, The last Will & testament of Kemp Gaines deceased, was this day presented in Court and proved by the oath of John B. S. Bolt and William C. Goodwin, subscribing witnesses thereto, who were present together at the execution and attestation hereof, and is admitted to records; And on the motion of Thomas W. Gaines, one of the Executors therein named (William C. Hatcher the other Executor renouncing his right to qualify, together with Andrew J. Doyle his security, entered into & acknowledged a Bond in the penalty of \$5,000. certificate is therefore granted him for obtaining a probate of said will in due form