

Last Will and Testament Thomas Napier
Georgia

Bibb County } In the name of God Amen:

I Thomas Napier of the Town of Mazon
and County and State aforesaid, being in good health
and of sound and disposing mind and memory,
but calling to mind the shortness and uncertainty
of life and the certainty of death, do make, ordain
and establish this my last will and Testament
hereby revoking and annulling all former
wills by me made.

First I give my soul to almighty God and my body to the
dust, to be decently buried, hoping to receive it
again at the general resurrection through faith in
Christ Jesus.

Secondly I desire my Executor hereinafter named to collect
the debts that may be due me and to pay those
I may justly owe.

Thirdly I give and bequeath to my wife Nancy the following
property to wit: all my right title and interest
in and to a certain tract of land, lying in Putnam
County, containing two hundred two and a
half acres adjoining Hardy Waller and others
formerly in his possession use and occupancy,
also all my right and title to the following Negro
to wit: Will, Minty her child, Abderdeen, Kelly, Betty
and her two children, Floras child with all their
increase since the year eighteen hundred and
twenty six also the horses, oxen and all other stock
on said tract of land & belonging thereto, the
aforementioned property with what is hereinafter
bequeathed to her being considered and intended
in lieu & in satisfaction of all right of dower
which she may be entitled in and to all or
any part of my estate or any distributive share
thereof, it is given and bequeathed to her upon
the express condition that she do within
two months after my decease release & relinquish
to my Executor all her right & claim which she
may have to dower in and to all my estate
or any part thereof and upon her refusing
or failing after being requested within the time
above specified to execute a good & sufficient
release and relinquishment for the same
then the above mentioned property to go to
my Executor and by them to be disposed of
according to the general disposition of my
property hereinafter directed, but upon her
executing such release and relinquishment the
above claimed property to be and remain to
her and her heirs forever. And I do also give and
bequeath to my wife Nancy four hundred and
fifty dollars to be paid to her in equal yearly
annuities of ten and a half dollars for
and during the term of ten years to be all the

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Last Will and Testament of Thomas Kasper
to her by my executors, she first entering into bond and
security to. Nancy & Co. negroes returned to them at
immediately after her death and subject also to the above
mentioned terms & conditions of relinquishment of same
and I further give and bequeath to her my said wife
Nancy two good beds & furniture.

Fourthly I ratify and confirm a gift of six negroes heretofore
made by me to my youngest son William W. Kasper
and delivered over to Singleton Scott his Trustee whilst
in life which is all I design or intend that he the said
William W. shall have of my Estate.

Fifthly It is my will and desire that all my Estate real and
personal of every description not herein before disposed
of, as soon after my death as may be convenient be
sold by my executors at Public Sale on a credit of
twelve months and the proceeds thereof together with
the money and other evidences of debt in hand at
the time of my death, distributed and divided among
my children (except my said son William & of course and
the issue of such as be dead in the following manner
viz Having already given and advanced to my son
Thomas T. Kasper, Long Kasper & Skelton & my daughter
Martha (or a Trustee in Trust for her) and my daughter
Sobitha money and property to the amount of
Ten Thousand Dollars each, and having also
advanced to my daughter Sarah Harvey in her life
time property estimated at three thousand
Dollars and to each of her Daughters since three
thousand Dollars each, making in all to her
and her children Twelve Thousand Dollars
to each of my said children & to the issue of
such as may be dead one equal share and
to the children of my said daughter Sarah one share
and two thousand Dollars to be taken therefrom
and distributed among my children aforesaid
share and share alike to make them equal in
advancement with said Daughter Sarah and her
children. It is also my meaning, intention &
desire that should any of my said children
now in life die before this will shall take effect
that their children shall in and represent their
parent and be entitled to the share that its
parent would be entitled to under this will if
in life and that is what I mean by the issue
of such as may be dead. And it is further
my intention will and desire that the share
to which my daughter Martha Kasper will be
entitled to under this will be held by my
Executor hereafter named in Trust for the
use and benefit free from my right or control
of her husband & deeply bound to her
and over to her or her husband & to her
heirs & assigns.

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Last Will and Testament of Thomas Napier
and net profits to be received annually and I
hereby constitute and appoint my Executor here-
in after named Executor for this purpose with
power to invest her share or dividend of my property
in real estate or personal estate taking the titles thereto
to themselves as Trustees and in case my said
daughter Martha shall die leaving no issue
of her body (or child or children) living at the time
of her death then her part of the division of
money or other property in which it may be
invested by the Trustees as aforesaid shall remain
& become the property of my other surviving
children and the issue per stirpes of such as
may be dead to be distributed as above mentioned
share and share alike. But if she the said Martha
shall have any child or children living at the
time of her death which shall live to the age
of twenty one year or more before that time
and have issue then the share of my said
daughter Martha whether in money or invested in property
to be paid over or assigned by Executor to such
child or children when the eldest shall arrive to
the age of twenty one year and if more than
one to be equally distributed or divided amongst
them and if she shall have no issue of her
body living at the time of her death and
which shall live to the age twenty one or
more and have child or children before
that time then her share of my estate to be
divided and distributed amongst the rest of
my children and the issue of such as may
be dead per stirpes or according to representation
as before stated in this my will. And I hereby
nominate constitute and appoint my sons
Thomas Napier, Leroy Napier and Shelton Napier
and my son in law Nathan L. Monroe Executor
of this my last Will & Testament and Trustees to
execute and perform the trusts aforesaid.
In testimony whereof I have hereunto set
my hand & seal the seventeenth day of February
One Thousand eight Hundred and a Thirty two
Signed, Sealed, delivered &
published in presence of } Tho^s Napier Seal
Scott L. Cox
Washburn
Robt. M. Fort

Last Will and Testament of Thomas Napier

Georgia
Bibb County

Court of Ordinary at Chambers 29th October 1838
Present John Campbell John Bailey Myron Bartlett Justices of the Inferior Court of said County
Personally appeared before the said Justices of the Inferior Court for the County aforesaid Joseph Washburn one of the attesting witnesses to the annexed will and testament of Thomas Napier deceased and who being duly sworn says that the said Thomas Napier acknowledges and declares to deponent that he had duly executed the said will as his last will and testament and requested deponent to attest the same and which he the deponent then did in the presence of the said Thomas Napier deceased who was then in the opinion of deponent of sound disposing mind and memory

Sworn to & Subscribed before us this 29th day of October 1838

John Campbell J. C.
John Bailey J. C.
Myron Bartlett J. C.

} Joseph Washburn

Georgia

Bibb County

Court of Ordinary at Chambers 29th October 1838

Present John Campbell John Bailey Myron Bartlett Justices of the Inferior Court of said County
Personally appeared before the said Justices of the Inferior Court for the County aforesaid Scott Gray one of the attesting witnesses to the annexed will and testament of Thomas Napier deceased and who being duly sworn says that the said Thomas Napier acknowledges & declares to deponent that he had duly executed the said will as his last will and testament and requested deponent to attest the same and which he the deponent then did in the presence of the said Thomas Napier deceased who was then in the opinion of deponent of sound & disposing mind and memory

Sworn to before us this 29th day of October 1838

John Campbell J. C.
John Bailey J. C.
Myron Bartlett J. C.

} Scott Gray

Georgia

Bibb County

Court of Ordinary at Chambers 29th October 1838

Present John Campbell John Bailey Myron Bartlett Justices of said County
Personally appeared Joseph Washburn one of the attesting witnesses to the annexed will and testament of Thomas Napier deceased and who being duly sworn says that he knows the said Thomas Napier and that he is the said Thomas Napier

Last Will and Testament of Thomas Napier
of the State of South Carolina and who is with
deponent and attesting witness to the said will of the
said Thomas Napier. Deponent further saith that
he is well acquainted with the signature and hand
writing of the said Robert W. Fort from having seen
him write frequently and that in the opinion of
deponent the signature of the said Robert W. Fort
to the said will subscribed as an attesting witness is
in the proper hand of the said Fort.

Sworn to before us
this 29th day of October 1838.

John Campbell J. L. C.
John Bailey J. L. C.
Myron Bartlett J. L. C.

} J. Washburn

Georgia
Bibb County

} Whereas I Thomas Napier of the City of
Macon in the County and State aforesaid
have by my last will and Testament in writing
heretofore duly executed and remaining up to this
present time unrevoked and unaltered made
certain bequests to and in favor of my son Thomas
T. Napier. Now I the said Thomas Napier being
desirous of altering my said will in respect to the
bequest and provisions therein contained to and
in favor of my said son Thomas T. Napier. do
therefore make this present writing which I
will and direct to be annexed to a Codicil
to my said will and taken as part thereof
and I do hereby revoke all the bequests and provisions
in said will contained to and in favor of my said
son Thomas T. Napier and in relation to so much
of my property and Estate real and personal
as embraced in said bequests and provisions
and as owned by the same if unrevoked pass
to my son the said Thomas T. I do hereby
give bequeath and devise said property
and Estate and all and every part thereof
whether real or personal to my sons Leroy Napier
and Shelton Napier and my son in law Nathan
L. Morris as Trustees and in trust for my
said son Thomas T. and his wife and his
children Leroy M. Napier Sarah C. Napier
Mamfredonia M. Napier and Thomas C. Napier
and any child or children of my said son
Thomas T. that may hereafter be born. The
said Trustees to be vested with the legal
Estate and full control of said property
and receive the rents, issues and profits thereof
and to apply the same to the use of and for the
support and maintenance of my said son
Thomas T. and his wife and children.

Last Will and Testament of Thomas Napier
 education and settlement of the aforementioned
 children of my said son Thomas I. it being my will
 and desire that all the property that would have
 fallen to my said son Thomas I. under the aforementioned
 revoked bequests and provisions of said last will
 should under this Codicil rest in said Trustee in
 Trust and for the use, as aforesaid for ever. And I
 do hereby ratify and confirm my aforementioned last
 will and Testament in every thing except where
 the same is hereby revoked and attend as aforesaid.
 In witness whereof I have hereunto set my hand
 this sixteenth day of January Eighteen hundred
 and thirty eight
 Signed, sealed and acknowledged
 before us:
 J. Clopton
 Evans Myrick
 Jno C. Hayes
 Azel C. Freeman

Thos Napier 

Georgia
 Bibb County } Court of Ordinary at Chambers 29th October 1838
 Present John Campbell, John Bailey
 & Myron Bartlett Justices of the Inferior
 Court for the County aforesaid. Before the said
 Justices of the Inferior Court for the County
 aforesaid, personally appeared Alfred Clopton, John
 C. Hayes and Azel C. Freeman attesting witnesses
 to the annexed instrument purporting to be a
 Codicil to the last will and Testament of
 Thomas Napier deceased. And the said Alfred
 John C. and Azel C. being severally and duly sworn
 severally say that the said Thomas Napier
 executed the said writing in their presence
 then published the same to defendants as a
 Codicil to his last will and Testament, and
 that they the defendants then severally attested
 the said instrument in the presence of the
 said Thomas Napier
 Signed to and subscribed
 before the said Justices
 of the Inferior Court
 this 29th October 1838
 John Campbell J. C. C.
 John Bailey J. C. C.
 Myron Bartlett J. C. C.

A. Clopton
 Jno C. Hayes
 Azel C. Freeman

Last Will and Testament of Thomas Napier

Georgia

Bibb County Court of Ordinary November 5th 1838

Personally came into open court

Alford Clopton and Azel C. Freeman attesting
witnesses to the annexed instrument purporting
to be a bequest to the last will and testament of
Thomas Napier deceased and the said Alford
and the said Azel C. being severally and duly
sworn severally say that the said Thomas Napier
executed the said writing in the their presence
& then published the same to deponents & to John
B. Hayes and Evans Myrick as a bequest to his
last will and testament and that they the
deponents the said John B. & the said Evans Myrick
each attest the said instrument in the presence
of the said Thomas Napier and of each other
and deponents further say that in their opinion
the said Thomas Napier at the time of executing
the said instrument was of sound mind
and disposing memory

Sworn to & subscribed before me

in open court this fifth day of

November 1838.

J. Sims

Myron Barlett J. L.

John Bailey J. L.

Alford Clopton
Azel C. Freeman