

Last Will and Testament of Killis H. Roberts Recorded

State of Georgia. In the name of God. — Amen

Warren County. I Killis H. Roberts of said State and County being weak in body, and not knowing the time of my departure from this world, and being desirous of disposing of my property by Will, do hereby, ordain, publish and declare this my Last Will and Testament

Item 1st I desire and direct my body to be buried by the side of my wife in a plain metallic coffin; and that a plain Granite or Marble tomb stone be placed over us, and a plain, strong iron railing be placed around us.

Item 2nd I give and devise to my oldest son Napoleon B. the following negroes, to wit: Sam, and Harriet his wife, and Charity their daughter, and a small negro girl Eliza, another small girl Silvey and another small one Emily and the old man Gilbert.

Item 3rd I bequeath to my son Francis his share of the property of B. H. & C. Caroline his wife; Lining a young woman; Winney a girl, Louisa a small girl; and also Adeline and her child. I add to his portion the consideration of said son's services to me.

Item 4th I bequeath to my daughter Mary C. and her children the following negroes, to wit: Gilford and Emily his wife and Emily the daughter of Gilford and Emily, and Ann a young woman, and Gilford the son of Gilford & Emily, and Naully a little girl, and the old woman Hannah.

Item 5th I bequeath to my daughter Sarah Elizabeth and her children the following negroes, viz: George, and Sidney and Lile and Healy and Henry, and Julia, and Viney.

Item 6th I bequeath to my daughter Rebecca Thomas and her children the following negroes, viz: Hiram and Martha and Sophia and Angeline and York, and also Dinah and her child in consideration of future schooling and raising.

Item 7th It is my desire that the debts of my Estate shall be paid from the proceeds of my farm, and for this purpose, I desire that the negroes and implements of husbandry be kept together on the farm until the debts are paid by the proceeds of their labor.

Item 8th It is my desire, and I hereby direct that neither of my children shall bring a wife or husband into my house during the time that my property is kept together for the purpose of paying the debts of the Estate; and I direct that after the debts are paid my two children Napoleon B. and Mary C. shall draw out their portion of property, and find homes for themselves, leaving my son Francis, and my two daughters Sarah Elizabeth, and Rebecca Thomas in possession of the present Homestead, by such an arrangement among themselves, as will secure an equal division of all my property not herein before allotted, to each one. And I hereby appoint my son Francis the sole Trustee for my two daughters Sarah Elizabeth and Rebecca Thomas until such time that they shall have married or become of legal age to act for themselves.

Item 9th It is my desire, and I hereby direct that a lot of forty acres (40) I own in Union County (formerly Cherokee County) Georgia in the Gold region be disposed of as my children may choose.

Item 10th I hereby resign from the sale of my lands, forever, a spot of ground surmounting the top of the hill on which my house stands, and on which are some trees, and some other things, and I hereby give the same to my children, and I hereby appoint my son Francis the sole Trustee for my two daughters Sarah Elizabeth and Rebecca Thomas until such time that they shall have married or become of legal age to act for themselves.

101.

Last Will & Testament of Killis H. Roberts Recited & Continued

running fifty yards North and fifty yards South, and fifty yards West of my grave

Item 11th

I hereby constitute and appoint my two sons Napoleon B. and Francis Roberts Executors of this my Will This 29 day of August 1861.

Killis H. Roberts
Signa, Seal, declare and publish by Killis H. Roberts, as his last Will and Testament in the presence of us the subscribers who subscribe our names hereto in presence of said Testator and of each other This 29th day of August A.D. 1861.

N.B. The interlining in Item 6th was done before the Signatures were affixed

John B. Thomason
John S. Hoff
James Pappmore
Thomas L. Thomason

State of Georgia } Court of Ordinary November Term
County of Harris 1861.

Personally appeared in open Court Francis Roberts named and appointed in a paper writing purporting to be the last Will & Testament of Killis H. Roberts late of said County deceased as one of the Executors of said deceased and produced said paper writing. And also personally came James Pappmore and Thomas L. Thomason two of the subscribing witnesses to said paper writing who being duly sworn depose and say, that they saw the said Killis H. Roberts sign, seal, deliver and publish the said paper writing now presented in open Court as his last Will and Testament, of free vol-untarily of his own accord, without any compulsion or undue influence whatever - that at the time of the execution of said Will said Testator was of sound disposing mind and memory - that deponents signed Will as witnesses in the presence of the Testator and at his request in the presence of each other, and that they saw John B. Thomason & John S. Hoff the two other subscribing witnesses sign said Will in the presence of the Testator and at his request.

Sworn to and Subscribed before me in open Court Nov 4-1861.

Geo. W. Mullins

James Pappmore
Thomas L. Thomason