

I, John C. Kilpatrick, Jr., being of sound and disposing mind and memory, but weak in body and calling, and the uncertainty of life, and being desirous to dispose of all such worldly estates as it has pleased God to bless me with, do make and ordain this my last will & testament in manner following, Viz -

ITEM 1st. I desire that my Executors hereinafter named shall make provision for the payment of all my debts by the sale of such property as they may think best for the interest of the estate. If, however, after my decease, the debts should not be pressing, and the times will not justify the sale of valuable property without a sacrifice, it is my will and desire, provided my principal creditors will consent to a further indulgence, to postpone the sale of such property which may be necessary for the payment of my debts, until a more propitious season, but this I leave discretionary with my Executors, having full confidence in them that they will consult the true interest of my estate. Or, if my debts should not be pressing and my creditors will consent to such indulgence as will enable my hands to work out of debt, I submit it to my Executors, exercising as I know they will do, a sound discretion, whether to adopt this mode, or resort to the sale of property to make provision for the payment of my debts.

ITEM 2nd. I desire that the residue of my property which will remain after the payment of my debts, consisting of the tract of land on which I now reside including such metes and boundaries as my beloved father has marked out for me, and all my personal property of whatsoever kind and description, shall remain in common stock and undivided, until my oldest daughter Clarissa or Clara arrives at age or marries, and then I desire that my Executors shall cause to be appraised by three or more disinterested and good men all my real and personal property (except so much of it as I acquired by my wife) which may belong to my Estate at that time and divide into four equal shares, each of my children Clara, Franklin, Whitner and Amanda, and my beloved wife Amanda to receive a share, which portion of my estate.

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so divided I do give, devise & bequeath unto my three children above named and to the heirs of their body forever, and the portion to my wife during widowhood.

3rd. I do also in addition to the above legacy, give and bequeath unto my beloved wife ~~all the property~~ given unto her by her father, and such property as she may hereafter receive from his estate, to have and to hold forever and to dispose of at her pleasure without any control from this my will and testament.

ITEM 4th. If either of my children should die before they arrive at age or without issue, it is my will and desire that the share or portion they would have been entitled to shall be divided between the brother or sister as the case may be.

ITEM 5th. If my wife should marry again it is my will and desire that the portion allowed her in Item 2nd shall be equally divided between our three children or in case of the death of any of them without issue between the sole survivor or survivors.

ITEM 6th. It is my will and desire that the income arising from the property until distribution shall be appropriated to the maintenance of my family & education of my children, and I must enjoin particularly upon my beloved wife and my Executors to have my children well educated.

ITEM 7th. It is my will and desire that my family should remain in this country and I do enjoin upon my Executors not to permit my property to be removed out of the State, and if my land should not be sufficient to work the hands to advantage I do hereby request and empower them to purchase or make such investment as they may think advantageous.

ITEM 8th. I appoint my father John C. Kilpatrick, Joseph N. Whitner, John Maxwell and Aaron Shannon of Alabama executors of this my last will & testament.

In witness whereof I have hereunto set my hand and affixed my seal this 30th day of May 1840.

Signed sealed published and declared in presence of

J. C. KILPATRICK, Jr. (SEAL)

ROBERT A. MAXWELL.
F. W. SYMMES.

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SOUTH CAROLINA.)
PICKENS DISTRICT.)

Be remembered that the foregoing written on 7 pages being the last Will and Testament of John C. Kilpatrick, Junior, was proven in common form by the oath of Robert Maxwell one of the subscribing witnesses to the same on the fifth day of October Anno Domini 1840.

JAS. H. DENDY, C.F.D. (SEAL)

Ordinarys Office, October 13th 1840. I do hereby certify that John C. Kilpatrick, Sen'r, was duly qualified as one of the Executors of the within last will of J. C. Kilpatrick, Junior.

JAS. H. DENDY, C.F.D. (SEAL)

RECORDED in Pickens District Will Book No. 1, pages 65 -66.