

Court of Ordinary Camden County
In The Matter of the Will of Duncan L
Clinch

Order on Petition for Establishment of
Lost Will and Probate with Copy of
Same Made original
Filed in office this 3rd day of January 1910
J S Russell

Ordinary
Camden County GA
To The Court of Ordinary of Camden
County Georgia
The Petition of D L Heyward of County
of Charleston State of South Carolina
Respectfully Shows

1 That he is one of the heirs at Law
being the Grandson of Duncan L
Clinch late of The County of Camden
State of Georgia deceased

2 That he is interested in certain
property in the State of Florida which
passed under the will of his said
Grandfather Duncan L Clinch

That under the fourth item of the last
will and Testament of said Duncan
L Clinch it was provided amongst
other things that at the expiration of
ten years from his death he devised
and bequeathed all of his Property of
every description except as was therein
mentioned and bequeathed in his
said will to his children Eliza B
Anderson John B Clinch Mary A
Clinch D L Clinch Jr Ben Clinch

D. L. Clinch

He A. Clinch N. B. Clinch and C. W. Clinch To them heirs and assigns forever To be divided equally among them them and their heirs and assigns That the said C. W. Clinch mentioned in said will was the mother of your petitioner and was entitled to the share bequeathed to him under said will and your petitioner and his brother Bayard C. Haywood of Habersham County Georgia were his sole heirs at law That the said C. W. Clinch has departed this life intestate and that petitioner and his said brother Bayard C. Haywood are the only parties interested in his estate That the will of the said Duncan L. Clinch has disappeared from the office of the said Clerk of Habersham County and cannot be found The probate proceedings were had in the Inferior Court of Habersham County Georgia which at the time of the probate of said will were changed under the laws of Georgia with the taking of probate of wills That your petitioner attaches hereto an exact copy of said last will and testament together with copy of the proceedings which were had in the Inferior Court of Camden County at the time of said probate of said will The said will having been duly proven and admitted to the record in said County on the 7th day of

D. L. Clinch Camden Will Bk C
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January 1850 and a certified copy of the will as well as of the proceedings were made at that time and certified under the act of Congress so that same might be recorded in the State of Florida The said copy of said will and certification thereon were filed in Duval County Florida and duly recorded thereon on 31st day of March 1850 as will appear by the certified copy hereto attached duly exemplified under the act of Congress as being on record in the County of Duval State of Florida

Therefore your petitioner prays that an order may be passed by this Court Honorable Court reestablishing instantly the copy of said will and of the probate proceedings hereto attached whereby the same was probated and admitted to record in the said County of Camden State of Georgia and that said reestablished copy of said will of Duncan L. Clinch and of the probate proceedings thereon may stand in lieu of said last original and your petitioner will ever pray

Lawson & Coalingham
John Hill

Attorney for Petitioner

State of South Carolina
County of Charleston

Personally appeared D. Clinch Haywood who being duly sworn deposes and says that the facts set forth in the foregoing

Petition are true D L Clinch Heyward
Sworn to and subscribed before me
this 24th day of December 1909

E H Spawman

Notary Public for Johnston County S.C.
My Commission expires
at the will of the Governor

In the name of God Amen

I Duncan L Clinch in the County of
Camden State of Georgia being in good
health of body and of sound and disposing
mind and memory do make public and
declare this my last will and testament
in manner and form following that-
is to say

I will and desire that my Executors
hereafter named shall immediately after
my death or as soon thereafter as may
be practicable to sell and dispose of so
much of my lands in the State of Flor-
ida as will pay all my just debts

I will and desire that my Plantation
on Satilla River County and state of Georgia
known as Refuge be partitioned with the
with the Lewis Theron Esq. Dutch as I
shall hereafter name for the term of ten years
after my death the rest proceeds of which
after my death

Having received the sum of fourteen
hundred dollars to my beloved wife Sophia
Burns Clinch during his natural life
be equally and equally divided between
my children to be expended or so much

thereof as is necessary for the support and
education

I do further will and give to my beloved
wife Sophia Burns Clinch during his natural
life the use of the house and furniture
known as the Refuge house garden
and grounds appertaining to it
Carriage and horses also during his
natural life the use of the house furniture
and grounds known as

in Habbuskum bounds when
ever she is disposed to occupy it I further
give to my beloved wife during his
natural life the following named negroes
Frank F his wife Betty and their daughter
Ann

I give to my beloved daughter Eliza B Anderson
Charlet & will which I value at
\$1000 to be deducted from his portion of
my Estate

I give to my beloved son John H M Clinch
my Plantation in the State of Florida
known as

Dutch which at the present low Price of
lands I value and charge to him at the
price of ten thousand dollars provided he
should be disposed to take it - if not vaca-
tion if not it will return to my
Estate and he the said John H M Clinch
take an equal share with his Brothers
and Sisters

I give to my dear granddaughter E M
Anderson a negro girl named
Eliza daughter of Harry and Sarah

2
D L Clinch

I further further request my dear children particularly the unmarried ones to spend as much of their time as they can with their fond slip mother Eliza Baines Clinch they will find her a safe friend and adviser as she has been to me. At the expiration of the ten years above mentioned I will devise and bequeath all my property of every description real estate as heretofore mentioned and bequeathed to my dear children Eliza B Anderson John H M Clinch Mary A Clinch D L Clinch Jr C M Clinch C A Clinch N B Clinch & H M Clinch to them heirs and assigns forever to be equally divided amongst them share and share alike.

I nominate constitute and appoint Major Robert Anderson U S Army John H M Clinch & Sigman L Clinch Jr executors of this my last will and testament - and request them to see it executed and carried out in a spirit of kindness and affection.

In witness whereof I have hereunto set my hand and seal this 12 day of May one thousand eight hundred and forty nine

D L Clinch (Seal)

Signed Sealed published and delivered by the testator at his last will and testament in the presence of us who at his request and in his presence have hereunto set our hands as witnesses

D L Clinch

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R Tompkins
Rott Lang
George Lang

Georgia Camden County of the State of Georgia I George Lang who being duly sworn says he was present and did see D L Clinch as and for his last will and testament that he signed the same in his presence & personal and in the presence of Robert Lang and R Tompkins and that they at his request and in presence of each other that at the time of signing the testator was of sound and disposing mind and memory.

Sworn to in open Court
January 7 1850
Geo W Hardie J P C C C
Jos Thomas J P C C C
Thomas H Dunham J P C C C

The last will and testament of D L Clinch having been proved in open Court upon the oath of George Lang a subscribing witness is ordered for Record

Teste Jos Thomas J P C C C
George Hardie J P C C C
T H Dunham J P C C C
Henry R Fort Clerk

Read & Examined this 8 January 1850 & I hereby Certify that the Executors named were duly qualified in open Court Henry R Fort Clerk

Georgia } Inferior office
 Camden County } County of Ordinary
 I Henry R. Fort Clerk of the County of
 Ordinary in and for the County of
 Camden in the State of Georgia do hereby
 Certify the first going Pages
 to contain a full and true and
 perfect Copy of the Will of John D.
 Clinch together with Probate thereof
 of Order for Record Certificate of
 Record and Qualification of Executors
 as found of Record in my office Book
 B of Wills folio 126 127 128 and that
 all proceedings had in relation thereto
 were in accordance with the Statute
 in such Cases made and Provided
 In testimony whereof I have
 hereunto set my hand and affixed
 the Seal of office this Ninth day of
 January A D one thousand eight hundred
 & fifty
 (Seal) Henry R. Fort
 Clerk

Georgia } Inferior
 I Thomas H. Durham a
 Justice of the Inferior Courts in and for
 said County of Camden and State of
 Georgia which said County when within
 for Ordinary purposes is known only as
 a County of Ordinary and has Juris-
 diction in all matters pertaining to
 Estates taking Probate of Wills &c
 do hereby Certify that Henry R.

Fort whose genuine signature is at the
 present time Clerk of said County of Ordinary
 duly qualified and Commissioned and
 that full faith and Credit ought to be
 had and given his attestation as aforesaid
 and that the same is in due form
 In testimony whereof I have here-
 unto set my hand and caused the Seal
 of said County to be affixed at Jefferson
 this Ninth day of January eighteen
 hundred & fifty
 (Seal) T. H. Durham J. D. Clinch

Georgia Camden County } Inferior office
 Superior Court
 I Henry R. Fort Clerk of the
 Superior Court in and for said County
 of Camden in the State of Georgia
 aforesaid do hereby Certify that the Hon-
 able Thomas H. Durham whose genuine
 signature appears to the foregoing Certificate
 is at the present time an acting
 Justice of the Superior Court in and
 for the said County of Camden duly
 qualified and Commissioned and
 that full faith and Credit ought
 to be had and given his attestation as
 aforesaid and that the same is in due form
 In testimony whereof I have hereunto set
 my hand and seal of office this Ninth day
 of January A D eighteen hundred & fifty
 (Seal) Henry R. Fort
 Clerk

State of Florida }
 Duval County } Judge of the Court
 of Probate in and for said County of
 Duval do hereby Certify That I have
 this day Recorded the enclosed Will
 and Testament of Duncan L Clinch
 deceased in Book of Wills B folio 16
 and 17 in accord with the order of
 this Court for that purpose

Witness my name and the
 Seal of said County
 this the twenty first day
 of March Anno Domini one
 thousand eight hundred and
 fifty 1855

Reuben Livingston
 Judge of Probate Duval County

State of Florida }
 Duval County }
 I W A McLean County Judge
 of said County do hereby Certify that
 the foregoing is a true Copy of the last
 Will and Testament of Duncan L
 Clinch deceased as the same appears
 on file in my office
 In testimony whereof I have hereunto
 set my hand and seal this 12 day
 of July A.D. 1880

W A McLean
 County Judge

In this County, Judge of the Court
 of Probate in and for said County of
 Duval do hereby Certify That I have
 this day Recorded the enclosed Will
 and Testament of Duncan L Clinch
 deceased in Book of Wills B folio 16
 and 17 in accord with the order of
 this Court for that purpose

Thursday March 21st A.D. 1855
 Order a Chamberlain this day the
 Twenty first day of March A.D.
 1855

John H McLean one of the Executors
 of the last Will and Testament of
 Duncan L Clinch late of
 Camden County & State of Georgia deceased
 in and by the last Will and Testament of
 Duncan L Clinch late of Camden County and
 State of Georgia deceased named and appointed
 and having exhibited to this Court a Certified
 Copy of said Will and Testament with the
 Certificate of Henry H Fort - Clerk of the Court
 of ordinary of said County of said County Camden
 showing that said last Will and Testament
 was duly admitted to Record and to probate
 in said County of Camden by the Superior
 Court of said County acting as a Court of
 ordinary and under the Seal of said County
 and the said John H McLean deceased
 as aforesaid having presented said Will
 and Testament to this Court and asked that
 they be recorded and admitted to probate in
 said County and the same being considered
 sufficiently proven it is therefore ordered
 that said last Will and Testament be and the
 is hereby admitted to probate in Common
 form of Law and it is further ordered that the
 same be recorded in the proper Book of Record
 of said County
 Reuben Livingston
 Judge of Probate Duval County

John H McLean
 A.D. 1855

D L Clinch

In the County of Judges Burke Duval County Fla

In Probate

State of Florida

County of Duval

I H B Philips County Judge in and for
The County of Duval State of Florida do
hereby Certify that the foregoing is a true and
Correct Copy of Order Admitting Certified
Copy of Last Will and Testament of
Duncan L Clinch deceased to Probate
and Record in this County as the same
now appears of Record in said Court
I further Certify that the said County
Judges Burke is a Court of Record with
an official seal and that the Judge of
said Court is the Custodian of the
Records and of the seal of said Court
that said Court has original jurisdiction
over the settlements of the Estates of
decedents and minors to order the sale
of that estate of decedents and minors
to take probate of wills to grant letters
testamentary and of administration and
guardianship and to discharge the duties
usually pertaining to Courts of Probate
that said Court has no Clerk of Court
but the duties usually performed by a
Clerk of Court are performed by Judge of
said Court that the signature below
subscribed is the signature of the sole
and Presiding Judge of said Court that
the seal hereunto affixed is the seal of
said Court and that this attestation

D L Clinch

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is in due form and by the proper officers of
the State of Florida

in witness whereof I have hereunto
set my hand and seal of the County
Judges Burke at Jacksonville this 10th
day of December 1909



H B Philips
County Judge Duval County
Florida

In the Court of Ordinary or Camden County
Georgia

January Term 1910

In the matter of the will of Duncan L Clinch
The Petition of D B Heywood the executor of
the said Duncan L Clinch late of the
County of Camden State of Georgia deceased
having been presented to this Court and it
appearing that the will of the said Duncan
L Clinch having been offered for probate
in said Court and having been duly
proven and admitted of Record in
said Court Camden County on the 7th
day of January 1890 has disappeared
from the files of the said Court and
that Book 13 of wills of said County
in which the said will was recorded
has been burned and destroyed and
the said Court having submitted with

D L Clinch

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with his said Petition a Certified Copy of the said Last Will and Testament and the Probate proceedings thereon which were filed soon after the probate of the same in this Court in the County of Duval Florida the said Will having been exemplified by the Judges of the Superior Court of Camden County Georgia in whom at that time the probate of wills was vested and the Clinch thereof and the said Will and Probate thereof being office papers the same on the motion of Lawton & Cunningham & John Bell representing the said Petitioners are hereby established as the original office papers in lieu and instead of the said lost originals in open Court this January 3rd 1910

J S Russell
Judge of the Court of Ordinary
Camden County GA