

- State of Georgia. In the name of God Amen. I Benjamin C. Gilstrap of said Burke County, do hereby and State, being of sound & disposing mind & memory, do make, ordain, publish and declare, the following, paper writing, to be my last will & testament, hereby revoking all former wills & testaments by me herebefore made.
- I Commit my soul, to Almighty God, who gave it & my body to the earth to be interred in a decent manner, by my executors, hereinafter named & appointed.
- I do give & bequeath unto my Nephew Dewitt Clinton & to his heirs in fee simple forever, the tract of Land and plantation on which I now reside.
- I do give & bequeath, unto John S. Byne, & to his heirs in fee simple forever, the tract of Land & plantation, which he derived from his Father's Estate, containing (65) Six hundred & thirty Seven acres, more or less, lying by & adjoining lying by & adjoining, the tract bequeathed, in the last aforesaid clause of my will.
- I give & bequeath unto John S. Byne, for the sole & separate use of my Niece Julia Anderson & her Children, now in being & any that she may have hereafter, Six thousand Dollars, as their part or portions of my Estate.
- It is my will and desire, that John S. Byne, shall send to at or elsewhere, as he shall deem most fit & proper, the following negro slaves to wit, Sarah, the daughter of Sandy, about (18) eighteen years old, Augustus, a yellow boy, about (12) twelve years old, Susan, his Sister, same complexion, about (10) ten years old; and also Coling a black boy about (65) sixty five years old, and it is my desire, that my executors, furnish the necessary funds, from my Estate, to defray all the necessary expenses, occasioned, by the execution of this clause of my will.
- I give & bequeath all the residue of my property, both real & personal, not Shook of every description, and all my Land lying out of said County, to my Nephew Dewitt Clinton & to my friend & ally John S. Byne, to be equally divided between them: share & share alike.
- I give & bequeath all my negro property, except those mentioned, in the fifth clause of this my will, to my Nieces Sarah Clinton & Catharine Clinton, my Nephew Dewitt Clinton, my friend & ally John S. Byne, to be equally divided among them. The said Sarah, Catharine, Dewitt & John S. share & share alike.
- The said share or lots, of negroes, drawn by the said Sarah Clinton & Catharine

Clinton, in the sixth clause of this my will I give & bequeath said portion or lots of Negroes drawn by said Sarah & her heirs to my friend John I Byrns in trust for the sole & separate use of the said Sarah & Catharine Clinton & their Children.

Item 8th I give & bequeath all the residue of my property both real & personal, notes stock of every description, and all my lands lying out of said County, to my nephew Dewitt Clinton & to my friend & stepson John I Byrns to be equally divided between them, share & share alike.

Item 9th I desire my executors, not to have a division of my property, as directed by this will, until twelve months, after my death, not to be chargeable, with any legacies, & interest on said legacies, until after that time.

Item 10th I desire my friend John I Byrns, to work his negroes on the place I now reside, jointly with the negroes of my nephew Dewitt Clinton, as long as he may desire, or until said Dewitt shall become of age.

Lastly I do hereby nominate & appoint my friends John Rogers & John I Byrns Executors to this my last will & testament, I also appoint John I Byrns Guardian of the property, of my nephew Dewitt Clinton - and also trustee of the property left my niece, to invest the funds in trust, in any property he may think to the interest of the testatrix trusts, subject to the same uses as already specified.

In testimony whereof, I hereunto attach my name & affix my seal, this November thirtieth, Eighteen hundred & fifty two

Signed, sealed published & declared, in our presence who signed in the presence of the testator & of each other, then & duty first interlined
Marley, Attaway
E. S. Roy Anthony
W. M. C. Perry
M. D. Jones

Burke Co. GA Wills 1855-1858
www.georgiapioneers.com

B. E. Gilstrap (Seal)

State of Georgia
Burke County

Personally came in Open Court John I Byrns who one of the Executors named in the paper writing purporting to be the last will & testament of Benjamin E. Gilstrap late of said County dec'd and produced said paper writing with three of the witnesses thereto to wit: W. M. C. Perry, Marley Attaway and W. M. C. Perry which witnesses being duly sworn depose and say that they saw Benjamin E. Gilstrap the testator sign Seal, declare and publish the said paper writing now presented as his last will and testament, freely voluntarily and of his own accord and without any compulsion or influence whatever, that at the time of the execution of said paper writing said testator was of a sound and disposing mind and memory; that deponents signed said will as witnesses in the presence of the testator and at his special instance and request and in the presence of each other and that E. S. Roy Anthony signed it as a witness at the instance of the testator sign Seal and publish it as aforesaid and the said E. S. Roy Anthony signed in the presence of testator and in the presence of these deponents.

Given to and Subscribed in Open Court
this July 4th 1855
Edward Parlin, C. C.

Record 6th July 1855
Book 111
Filed 18th July 1855
Marley Attaway
W. M. C. Perry
M. D. Jones

Georgia
Barke County
Ordinary Office January 17. 1854
I Edward Garlick Ordinary for the County of Barke and said County
do hereby certify that the foregoing is a true and correct copy taken from the
Records thereof in this office of the last Will and Testament of Benjamin E
Gilstrap late of said County deceased.
In testimony whereof I have hereunto set my hand & affixed the seal of
Office this day & year above written

Edward Garlick Ordinary

In the matter of the last will of Benjamin Gilstrap late of said County
deceased. It appearing to the Court that the original will of Benjamin
Gilstrap, late of said County deceased, together with the Records were destroyed
by fire, in the burning of the Court House of said County on the night
of the 24th January 1850. and that the copy will annexed, is a true transcript
of said will & of a copy of the record thereof, as certified by the Ordinary
for said County: It is now ordered, that said annexed copy will
be established in the lieu, & stand a place of said original destroyed will
that the same be recorded & that it with the petition & other papers in
this cause, be placed on file in the office of the Ordinary.

Recorded 27th June 1854