

Georgia In the name of God ~~amen~~
Henry Gilbert being in low health
and ~~not~~ expecting to recover from my sick-
ness, but being in sound mind and memory wish to make
some disposition of my property according to my notion among
my children as therefore and here by declare or dain and
appoint this my last will and testament to that intent
1st I resign my body to its mother earth from whence
it came and commend my soul unto God who gave it
2nd I will and desire that all my just debts be paid
the first thing out of my property
3rd It is my wish and desire that my property be
divided equally among my children by a just distri-
bution and that of my estate which may fall to the
Share of Elizabeth Gilbert now Elizabeth Philips shall
be equally divided between them to wit her and her two
children ~~and Philips~~ portions which will go to the two children
by Philips now a live by the name of Elizabeth Ann and
Delila Wellman Philips shall enure to their benefit in
infancy and when they or either of them shall become of
lawfull age or marry they shall have their part of my
estate that may fall to them according to the above
division and intent
4th It is also my desire and wish that my
old servant Nelly be not included in the disposition
of my estate among my children but that she remain
in the family with the child of ~~her~~ choice
5th It is also my desire and wish that my children
chose a man a piece (if they agree on the notion)
to divide my property among them equally
6th It is also my desire and wish that Matthew
Gilbert and John Mobley be Executors to carry this
my will into effect
7th It is furthermore my desire and wish in re-
lation to my interest in the land bought of William
G. Hamlin Pinson as twenty nine (29) in the (11)
Elements of Henry by myself and son Matthew Gil-
bert that Matthew have his choice to pay for the land
and keep it or let it fall into my estate and be divided
among my children
In testimony whereof I have hereunto set my hand
and affixed my seal this the twenty seventh (27) of
August in the year of our Lord 1834

11
hundred and forty (1840)

James ^{his} Gilbert
Mark

Elisha Johnson
William S. Winton } Witnesses
John Mobley
William L. Fuggle }

Georgia } Before George & Pope Rhoderick
County } Harper and John S. Bentley, Justices
of the Superior Court of said County in
Vacation personally came William S. Winton, John Mobley
and William L. Fuggle who being duly sworn say that
they saw James Gilbert sign (by making his mark)
read publish and declare the within instrument to be
and contain his true last will & testament & that at
the time thereof he was of sound disposing mind and
memory and executed the same without compulsion
and that they signed the same as witnesses at his
request and in his presence and in the presence
of each other & that they saw Elisha Johnson
sign the same also as a witness sworn to before
us this 14th day of September, 1840 William S. Winton
George & Pope J. J. C. John Mobley
Rhoderick Harper J. J. C. William L. Fuggle
John S. Bentley J. J. C.

Recorded this 19th day of Nov. 1840
William L. Gordon C. C.