

State of Georgia

In the name of God, Amen.

I, William E. Baynard of the City of Savannah, in the county of Chatham, and the State of Georgia aforesaid, being of sound and disposing mind and memory, do make and declare this my last will and testament hereby revoking any other and former will or wills made by me. First, I desire and direct that all my just debts be paid. I also direct that my acting Executors shall proceed to collect all the debts owed to me as speedily as possible, and that they proceed to purchase land and Negroes with any moneys they or any of them may receive from the collection of debts due to me and the sale of crops belonging to my Estate, always retaining enough money however, to defray the necessary expenses of my plantation and for the support and education of my children. I also direct that my Executors shall purchase the land on Bulls' (?) Island owned by McQueen, as soon as possible, if it can be procured at a fair price.

Secondly, I direct that my Executors shall permit my beloved wife Catherine A. Baynard, to have, hold, possess and enjoy, or to receive rents, issues and profits of my Dwelling House and the lot upon which it is situate in Columbia Ward, in the City of Savannah, which I now occupy; and also the eighth part of all the slaves that I may die possessed of; and also all the Household and Kitchen furniture that I may die possessed of; and my Carriage and Carriage Horses for her sole and separate use, during her life, and not to be subject to the debts, contracts or engagements of any other person. I also direct that the dividends arising or accruing from all stock that I may die possessed of or entitled to in the Bank of the State of Georgia, or the Planters Bank of the State of Georgia in Savannah aforesaid, be paid by my Executors to my said wife, for her sole and separate use, as aforesaid, during her natural life. I direct and declare that my said wife shall take and enjoy the above property and interest, in the manner above stated, in lieu of Dower and of any other claim whatsoever, which she can or may have on or against my Estate.

Thirdly, I give, devise or bequeath all the rent and residue of my Estate, real, personal and mixed, of whatsoever kind the same may be, of which I may die seized, possessed or entitled to or which may be purchased by my Executors, or any or either of them, after my death, with funds belonging to my Estate, as hereinafter directed, unto my children who are now living, or what hereafter may be born to me, share and share alike, to them and each of them, his or her heirs, Executors, administrators and

assigned; provided however, that if any or either of my said children shall depart this life without leaving a child living at the time of his or her death, then it is my will, that the share of my said child so dying without a child, shall be equally divided between and amongst my surviving children, and so on to the last survivor of my children, his or her heirs, Executors, administrators and assigned forever.

Fourthly, I also give, devise and bequeath to my said children, upon the same terms and limitations as are mentioned in the third item of this my will, all the Estate, real personal and mixed, which I have hereinbefore given to my wife during her natural life – this clause not to take effect, of course, until the death of my said wife.

Fifthly, In as much as I am fully persuaded in my mind that my landed property cannot be divided without manifest injury to my younger children, without a sale of the same, which I do most solemnly forbid, I direct that no division of my lands shall take effect until my son William shall arrive at the age of twenty one years.

Sixthly, I direct that my sons shall be kept at school until they successfully arrive at the age of twenty one years; and that my daughters be kept at school until they successfully arrive at eighteen years; and I forbid the marriage of my said daughters until they arrive at such age of eighteen years; and if either should so marry, contrary to this prohibition, I direct that my Executors shall withhold her portion of the Estate heretofore bequeathed and devised to her; but pay over to her, for her sole and separate use, not subject to the debts, contracts or engagements of her husband, the income of the same, during her natural life; and if she should leave a child or children living at the time of her death, then I direct my Executors to pay or deliver the share of my said daughter, to her said children or child in free.

Seventhly, I request and direct that any Executors hereinafter named, take the proper measures to see that all the provisions of my will are complied with and exercise for that purpose all the necessary and expedient powers.

Lastly, I nominate and appoint my Brother Ephraim M. Baynard, my relative William E. Baynard of Edisto Island, So. Carolina, my son Ephraim, when he arrives at the age of twenty-one years, my friends Dr. Franklin P. Pope, Richard R. Pope of Hilton Head, So. Carolina, and Jacob Waldburg Esquire, of the city of Savannah aforesaid, the Executors of this my last will and Testament.

***In witness whereof, I have hereunto set my hand and seal at Savannah
aforesaid, this thirteenth day of August in the year of our Lord One
Thousand Eight Hundred and Forty nine.***

***Signed, sealed, published & declared by the said
Testator, in and for his last will and Testament
In the presence of us, who, in his presence, at his
Request, and in the presence of each other, have
Hereunto set our hands in witness thereto***

***James McHenry
James H. Buckner
Chas. H. Cerveau***