

## **Two GILILLAND Wills**

Obtained by Robert P Gililland  
Transcribed by Alvy Ray Smith  
30 May 2001

### **Foreword**

The following two wills, for JOHN GILILLAND<sup>1</sup> and Robert Gililland were obtained by Robert P “Gil” Gililland and announced on the website MyFamily.com – The Gililland Family, 21 May 2001:

I recently visited Lincoln County, Missouri. Stopped and viewed the graves at Sulphur Lick and Fairview Cemeteries as well as those in other nearby cemeteries. I still haven't a clue as to where Agnes Johnston Lowe (John Richardson's first wife) is buried.

Stopped in at the Lincoln County Courthouse and got copies of John Richardson Gililland's and Robert Gililland's Wills. Anyone want copies, let me know.

He kindly sent me photocopies which I transcribe here.

The first will, that of JOHN GILILLAND, is handwritten longhand into pages 81-83 of a record book, including various oaths and affidavits by participants. Additionally, there are two longhand documents bonding Elizabeth Gililland to her duties as executrix of the will.

The second will, that of Robert Gililland, is handwritten longhand into pages 234-236 of a record book, including the various oaths by the witnesses to the will and by the clerk of the appropriate court.

I have taken the liberty of transcribing the old ligature “fs” as “ss” everywhere for readability, thus rendering, for example, “pofsefsed” in the original as “possessed”.

I observe that the will of JOHN GILILLAND and the associated affidavits are all rendered in a single handwriting, including all supposed signatures. So apparently these are official *transcriptions* into the record books of the actual documents. Similarly for the will of Robert Gililland and associated oaths, but in a different handwriting, presumably that of the court clerk at the time.

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<sup>1</sup> I habitually uppercase those persons in my direct genetic line except in quotations.

On the outside of the document, presumably folded:

John Gililland  
Will

Record fees paid 11 May 1853

Page 81:

"Know all men by these presents that I John Gililland of the County of Lincoln and State of Missouri being in sound mind and memory, and calling to mind the uncertainty of this life I hereby make and ordain this to be my last will and testament, hereby revoking"

Page 82:

"all others by me heretofore made, witnesseth –

Item 1<sup>st</sup>. I give and bequeath to Charity Ligon my daughter the sum of one dollar to be paid to her at my death besides what I have heretofore given to her -

Item 2<sup>nd</sup>. I give and bequeath to Margaret Moore my daughter the sum of one dollar to be paid to her at my death besides what I have heretofore given to her –

Item 3<sup>rd</sup>. I have heard my son William L. Gililland is dead but in case that he is not, I give and bequeath to him the sum of one dollar to be paid to him at my death

Item 4<sup>th</sup>. I give and bequeath to Jesse R. Gililland the sum of one dollar to be paid to him at my death besides what I have heretofore given to him –

Item 5<sup>th</sup>. I give and bequeath to my son Allen J. Gililland the sum of one dollar to be paid to him at my death besides what I have heretofore given him –

Item 6<sup>th</sup>. I give and bequeath to my son John B. Gililland the Eighty acres of land which I own in section twenty six in township 50 range two west consisting of the N.E. ¼ of the N E quarter and the NW ¼ of the same quarter and also a horse, ~~saddle~~ bridel and saddle and a cow and calf –

Item 7<sup>th</sup>. I give and bequeath to Mary Gilmore my daughter the sum of one dollar to be paid to her at my death, besides what I have heretofore given her –

Item 8<sup>th</sup>. I give and bequeath to my wife Elizabeth all the rest of the remainder of my property and possession that will be left after my just debts &c are paid to be possessed and used by her during her widowhood, and afterward to revert to the rest of her children by me, and to be possessed by them and their heirs forever, except David P. & Nancy Gililland, who have already had their share of my estate –

Item 9<sup>th</sup>. I hereby appoint my wife Elizabeth to be the Executrix of this my last will and testament.

In testimony whereof I have hereunto affixt my seal and subscribed my name in the 24<sup>th</sup> day of April one-thousand eight hundred and forty six –

John Gililland [seal]

Witnessed by Francis B. Clare  
William F. Clare"

Page 83:

"State of Missouri

County of Lincoln &c Be it remembered that Francis B. Clare one of the subscribing witnesses to the foregoing last will and testament of John Gililland dec'd, this day personally appeared before the County Court of said County in open Court, who being duly sworn upon his oath says that John Gililland the testator subscribed his name to said will in his presence that he subscribed

his name thereto as a witness in the presence and at the request of said testator and that said testator at the time of subscribing his name to said will was of sound and disposing mind –

Francis B. Clare

“State of Missouri

County of Lincoln &c Be it remembered that Francis B. Clare and David P. Gililland two credible witnesses this day personally appeared before the County Court of said County in open Court, who being duly sworn upon their oaths say that they are acquainted with the handwriting of John Gililland the testator, and William F. Clare one of the subscribing witnesses to the foregoing last will and testament of said John Gililland dec<sup>d</sup> and from their knowledge of said handwriting they believe the signatures of said John Gililland as testator and of said William F. Clare to be genuine and to have been made by them by their own hands –

Francis B. Clare  
David P. Gililland

“State of Missouri

County of Lincoln &c I Francis Parker Clerk of the County Court of said County certify that the foregoing certificates of Francis B. Clare and of Francis B. Clare and David P. Gililland were sworn to and subscribed by them in open Court this 11<sup>th</sup> day of May, 1852. –

[seal]

Francis Parker Clerk

Recorded May 11<sup>th</sup>, 1852 –

Francis Parker Clerk –“

On outside of next document, presumably folded:

29

Eliz. Gililland  
Ex<sup>r</sup> Bond  
John Gililland

Recorded in book B. of administrators bonds, page 29 –  
May 11, 1853

First page:

“State of Missouri

County of Lincoln &c I Elizabeth Gililland do solemnly swear that I will make a perfect inventory of the Estate of John Gililland, late of said County deceased, and that I will faithfully execute the last will and testament of said deceased, pay the debts and legacies, as far as the assets will extend and the law direct, render just accounts and faithfully perform all things required by law touching her executorship of the Estate of said deceased.

Elizabeth her X mark Gililland

Subscribed & sworn to before me this 11<sup>th</sup> day of May, 1853 in open Court.

F. Parker Clerk”

Second page<sup>2</sup>:

“Know all men by these presents that we Elizabeth Gililland as principal and John B. Gililland & George Presley, as securities are held and firmly bound to the state of Missouri in the sum of One hundred dollars, good and lawful money of the United States to the payment of which will and truly to be made we and each of us bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents – signed and sealed with our hands and seals this 11<sup>th</sup> day of May, 1853.

The condition of this obligation is such that if the above bounden Elizabeth Gililland Executrix of the last will and testament of John Gililland deceased, shall faithfully administer the estate of said deceased, account for, pay and deliver all property and money of said estate and faithfully dispose of and deliver the legacies as in the last will and testament of said deceased is directed and perform all other things touching her administration of or executorship as required by law and the will aforesaid of said deceased, or the order of any Court having jurisdiction, then the above obligation to be void, else to be and remain in full force and effect in law. –

Elizabeth her X mark Gililland [seal]  
John B. Gililland [seal]  
George Presley [seal]

## ANALYSIS

JOHN's will, 24 Apr 1846, mentions his second wife Elizabeth Presley and nine of his children in this order:

1. Charity Ligon
2. Margaret Moore
3. William L Gililland
4. JESSE R GILILLAND
5. Allen J Gililland
6. John B Gililland
7. Mary Gilmore
8. David P Gililland
9. Nancy Gililland

This happens to be the birth order of his children as we know it. Children 1-6 in this list are from AGNES LOWE, and 7-9 from Elizabeth. These nine children were aged 16-32 at the time of the will. At the same time, he had eight other children, aged 1-15. He was to have at least two more children after the will, that we know of.

A curiosity of the will—as if one-dollar legacies weren't enough—appears in Item 6<sup>th</sup>. One of the 40-acre lots he gives to son John B belongs to his son William L, according to US land patent records, 24 Apr 1820. But in Item 3<sup>rd</sup> we learn that he believes William L might be dead. Perhaps William had given or sold the lot to his father at some time. Maureen Webb's LDS submission has William's death recorded as 2 Feb 1850, after this will was made.

Of the other signatories, William F Clare was to become Nancy Gililland's father-in-law. I don't know the relationships of Francis B Clare or George Presley.

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<sup>2</sup> It is not clear to me that this second page is part of the same document, since it was not fastened to it, but the contents are appropriate for inclusion.

Page 234 of second will:

“Robert Gililland Dec’d

Know all men by these presents that I Robert Gililland of the County of Lincoln and State of Missouri, being in sound and disposing mind, do make this my last will and testament. 1<sup>st</sup>. It is my will that all my just debts and funeral expences be paid. 2<sup>d</sup>. I bequeath to my beloved wife Anne Gililland all my property, both real and personal moneys notes and all my affects of whatsoever kind during her natural life. 3<sup>d</sup>. It is my will that my two widowed daughters Matilda M. VeerKamp and Elizabeth F. McGlossen be and remain with my said wife Anne Gililland as a permanent home during their widowhood, and if my said two daughters should remain widows until the death of my said wife Anne Gililland then I bequeath and give to my said two daughters, Matilda and Elizabeth the following described real estate. The southwest fourth of of<sup>3</sup> the Northwest quarter of section twenty, Township fifty, Range two West, all in Lincoln County Missouri, to have and to hold during their widowhood; and if at any time the products of the farm shall be insufficient for the support”

Page 235:

“Robert Gililland Dec’d

of my said wife then in that case she shall have power to sell any part of my real estate, and execute a deed to the purchisor for the real estate sold, which sale shall be as valid as if I should make it during my life. 4<sup>th</sup> It is further my will that all of my estate both real and personal unexpended at the death of my wife Anne Gililland shall be divided among my several children, sheare and sheare alike (except my daughter Martha Ross named as follows). Benjamin A. Gililland, John R. Gililland, Charity E. Holly, Elizabeth F. McGlossen, Matilda M. VeerKam, Robert S. Gililland, George W. Gililland. 5<sup>th</sup>. To my daughter Martha Ross, above excepted, I give her Ten dollars, it being the only amount she is to have of my estate. 6<sup>th</sup>. I also give give to my grandchild Stephen D. Hudson the sum of Ten dollars, and if he remain with my wife Anne Gililland untill he is twenty one years of age, and conducts hymself well then he shall have a share eaqual to one half of one of my children. And if the said Stephen D. Hudson should die before he arrives at the age of twenty one years, then said property to be divided eaqually between the above named children (with the exception of Martha Ross) 7<sup>th</sup> And for carrying into effect this will I constitute and appoint my my wife Anne Gililland as executrix with power to call any one to her assistance that she may choose. In witness whereof I have hereto set my hand and seal this 21<sup>st</sup> day of March 1873.

Robert Gililland [seal]

We attest the above and foregoing will by subscribing our names hereto as witnesses in the presence of Robert Gililland the testator this the 21<sup>st</sup> day of March 1873.

S[?]. T[?]. Ingram	Lincoln County Mo.
Jonathan Holcomb	do
Joseph his X mark Myrse	do
Horatio Humphreys	do
J[?]. N. Havenner	do

“State of Missouri  
County of Lincoln &c In Vacation of the Probate Court.

Be it remembered that on the 4<sup>th</sup> day of November 1874 personally appeared before the undersigned, Eugene N. Bonfils, Clerk of the Probate Court of the County and State aforesaid Joseph Myrse and Horatio Humphreys two of the subscribing witnesses to the foregoing will of Robert Gililland, and being by me first duly sworn, depose and say, that the said Robert Gililland the testator subscribed the same in their presence and published the said will or instrument of

<sup>3</sup> Just take it that this is a true transcription of the will, with repeated words and misspellings as shown. I will not bother with [sic] everywhere.

writing as his last will; that he, the said testator, was, at the time of publishing his said will, of sound mind and more than twenty one years of age, and that they the said deponents, attested the said will as witnesses thereto by subscribing their names to the same in”

Page 236:

“Robert Gililland Dec’d

the presence of said testators.

Attest E. N. Bonfils

Joseph his X mark Myrse  
Horatio Humphreys

[seal]

In witness whereof, I, Eugene N. Bonfils, Clerk of the Probate Court of Lincoln Co., State aforesaid, have hereto subscribed my name and affixed the seal of said Court at office in Troy Mo., this 4<sup>th</sup> day of Nov. 1874.

E. N. Bonfils, Clerk.

“State of Missouri

County of Lincoln &c I, Eugene N. Bonfils, Clerk of the Probate Court in and for said county, do hereby certify that the within and foregoing affidavits of Joseph Myrse and Horatio Humphreys were taken by me on the day therein specified, and that the same were deemed by me sufficient proof to establish the foregoing will as the will of Robert Gililland deceased.

[seal]

Witness my hand and the seal of said Court at office in Troy Mo., this 4<sup>th</sup> day of November 1874.

E. N. Bonfils, Clerk

Recorded Nov. 4<sup>th</sup> 1874

E. N. Bonfils Clerk”

## ANALYSIS

Robert's will, 21 Mar 1873, mentions his wife Anne Moore, a grandson Stephen D Hudson, and eight of his children in this order:

1. Benjamin A Gililland
2. John R Gililland
3. Charity E Holly
4. Elizabeth F McGlossen
5. Matilda M VeerKamp
6. Robert S Gililland
7. George W Gililland
8. Martha Ross

Except for Charity E, these are all listed in US Census data for 1850. The census lists two others as well, Mary A and William H Gililland. So Charity E must have been married before or born after 1 Jun 1850. She is probably the Emily Gililland listed in at least one source; I have so identified her anyway. Mary A and William H must have died before 21 Mar 1873. Knowing of no other daughters, I have therefore assumed it was Mary A Gililland who married Mr Hudson and had son Stephen D Hudson. Since Matilda M and Elizabeth F are widows, their husbands

had to have died before 21 Mar 1873. Some of these deaths were probably due to the Civil War.

A curiosity of the will is the obviously slight treatment given daughter Martha Ross. Perhaps her husband Ross was on the "other" side during the War?

Using Robert's will as inspiration, I checked [www.familysearch.org](http://www.familysearch.org), the LDS website, and found an IGI Marriage Record for Elizabeth F Gililland and Israel McGlossen, 19 Nov 1857, Lincoln Co, MO.

I also found two IGI Marriage Records for Charity Emmaline Gilliland or Charity Cemeline Gililland to William F Halley, 8 Nov 1846, Lincoln Co, MO. Hence I believe this to be Charity E Holly and that she was married by the time of the 1850 Census.