

Georgia
Burke County I, John Whitehead a Citizen of the United States
residing in said County and State, do hereby
=claim and publish the following as my last Will & Testa-
=ment.

Infirmities I commit my soul to God who gave it & my body to be interred
in a manner suitable to my circumstances.

2nd I give to my son John R. Whitehead my portrait, now at
Richmond Bath, my Gun & my walking stick given to me
by my deceased friend Joseph H. Burroughs; and to my son
Charles J. Whitehead ^{Burke Co. GA Will Bk A} ^{www.georgiapioneers.com} my watch, I also desire that
my son John Randolph shall have my faithful servant
Ben, he accounting for him in the distribution of my prop-
erty herein after to be made.

3rd To my daughter Ruth I give her Mother's portrait.

4th I desire that my Executors purchase for each of my Daughters
Ruth & Valeria a handsome Ladies Gold Watch, with sub-
168-
ble chain & trunkets at their discretion.

5th I desire that my Silver plate be equally divided between my

I my daughter Sarah Whitehead the wife of my son John
R. Whitehead, giving to my daughter Julia Amanda the privi-
lege of taking all that marked (J.A.W.) as they make initials
provided she is willing to do so at the appointed times.
The Piano forte has already been given to my Daughter Julia Amanda
and I do hereby affirm the gift.
I have three single and unmarried daughters, viz. Julia Amanda,
Ruth Berrian, & Valeria Burroughs, and one unmarried son viz.
Charles Whitehead, for whom I desire to make a small provision,
not for distinction between my children, whom I equally love,
but because I deem it necessary to the comfort of my said daughter
& son, and it is this, that without accountability on the after dis-
tribution of my property, I bequeath to them in common the
house known as my summer residence at Richmond Bath,
with all the furniture House & Kitchen & the lots of Land there to
attached, with this provision that the aforesaid children, so long
as each of them shall remain single, shall be equally entitled
to the enjoyment & occupation of said property as tenants in
common, that upon the happening of the marriage of either
of said children, the right of said child shall abate, and that
further upon the happening of the marriage of the aforesaid
legatees or children the last unmarried or the surviving child
shall receive & enjoy the premises aforesaid in fee simple forever.
I do further hereby give & bequeath to my daughter Julia Amanda
Ruth Berrian & Valeria Burroughs my book case & books of all
descriptions.

8th. Having made all the specific legacies, which I deem it at
present necessary to make, with the exception of one which
will be herein-after directed, and being disposed to distribute
equally between my children, all the property which it has
pleased God to endow me, I do will desire and direct that Dr.
Charles W. West, to whom I have given shortly after his inter-
marriage with my daughter Eliza twelve twelve thousand
Dollars, and to my son John Randolph Whitehead thirty Negroes
the plantation known as Forest Hill and other small amounts
at different times valued at Dollars
to my daughter Julia Amanda a negro girl Hannah worth
four hundred Dollars, and to my daughter Philoctea, who
intermarried with Thomas Stealy a negro girl Sarah worth
Six Hundred and fifty Dollars, it is my will & I do hereby
direct that after the aforesaid children shall have accounted
for the property above specified & the monies advanced so
as to make those to whom nothing has been given shall
be equalized in their several proportions, and those to whom
I have given smaller amounts shall also with the others
receive a sufficient advancement has been made, that
when the residue of my property real personal, or mixed, as
well that which I now possess, as that which I may hereafter
acquire, shall be equally divided between all my children
thenceforth and should any child die before the

distribution of my property, under this will, I direct that the child or children of such deceased child or children, in its or their stead and receive the part or portion of my ^{said} estate to which it or their parent would have been entitled, if in life.

9th

The property which my several daughters may derive under this my will, I wish to secure and protect from casualty or misfortune, and for that purpose I do hereby give unto John Randolph Whitehead, Charles H. West, Thomas Neely and Thomas M. Berrien, in trust for the use of my said daughters married or unmarried, all the property to be derived as aforesaid, subject to the following limitations, uses trusts and conditions, (viz) to my said daughters and their several husbands, for and during their and each of their natural lives, and to the survivor of ~~each~~ daughter and the husbands severally of said daughters, not however to be subject to any debt, contract or obligation heretofore entered into or hereafter to be contracted by any of said several husbands, and upon the happening of the death of any of my daughters & their husbands severally as aforesaid, then to the children of my said daughters and should any of my said daughters die, without leaving children surviving her, said daughter shall have power and authority to dispose of said portion given her by will, deed or otherwise.

10th

I hereby authorize and empower my executors to sell or dispose of at public or private sale any of my property real or personal, without the interposition or order of any Court of Law or Equity in this State or in Florida, provided they should deem it necessary & proper in the distribution of my estate, or that it will thereby advance the general interests of my children.

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11th

As the disposition heretofore made of my Bath residence in Richmond County was induced by a desire particularly to render my unmarried daughters more comfortable and independent, I do hereby explicitly direct, that my daughter Julia Amanda so long as she remains single, shall be considered as the head of the family and after her marriage the rest of my daughters successively according to seniority, so long as they remain single, and that neither my son Charles or any of the husbands of my said unmarried daughters, after they shall have married shall have any control or direction over the same; It is however my wish, if my daughters desire it and my son John Randolph is disposed to consent, that he with his family remain with them, as long as they may continue to reside in said residence & that he aid and assist ~~said~~ unmarried daughters for the time being in the management & control of said household & of its appurtenances, and I do further direct that my executors carry out strictly & implicitly this clause of my will.

Lastly

I do hereby nominate and appoint John R. Whitehead Charles H. West, Thomas Neely and Thomas M. Berrien Executors to this my will and Testament. In Witness Whereof I have hereunto

attached my name & affixed my Seal this 24th day of January in
 the year of our Lord Eighteen Hundred & fifty Seven
 Signed Sealed published and
 declared before us who signed the
 same in the presence of the Testator
 & by his request & in the presence
 of each other.

Wm Whitehead



John B. Whitehead
 Mary Ann Ottaway
 Harley B. Ottaway

Personally appeared Harley Ottaway, who being
 sworn, deposes and saith, That he was present &
 did see John Whitehead, late of Burke County, & said State, deceased,
 sign, seal, publish and declare, the annexed paper writing, of five
 pages to be his last will and testament; That said Testator, signed
 said Will in the presence of this deponent and of John B. White-
 head and of Mary Ann Ottaway, the other subscribing witness-
 es thereto, each & all of whom signed the same as witnesses as
 aforesaid, in the presence of said Testator & of each other, and that
 said Testator, was at the time of the signing & publication
 of said last will and testament of sound & disposing mind
 and memory.

H. B. Ottaway

Sworn to in Open Court
 6th July 1857
 Edward Garlick O. B. C.

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The Last Will and Testament of John Whitehead, late of Burke County,
 deceased, having been this 6th Day of July 1857, presented to
 this Court for probate by John R. Whitehead, Charles M West
 Thomas M. Berrien the executors in
 said Will named, and this same having been duly proven in
 common form, by the affidavits of Harley Ottaway one of
 the subscribing witnesses thereto. It is on motion of Malcolm
 D. Jones attorney for the Executors ordered, that said last will
 and Testament be duly admitted to record, & that the Original
 last will & Testament as aforesaid be placed on file in the
 Clerk's Office of this Court and it is further ordered, that
 Letters Testamentary and a Warrant of Appraisement
 do issue in terms of the law.
 John R. Whitehead, Charles M West, Thomas M. Berrien and Thomas M.
 Berrien duly qualified as Executors.

Recorded 11th July 1857

In the name of God Amen
 I, Elpha Tomlin of said County being weak of
 body, but of a sound & disposing mind & memory, do hereby
 make & constitute this to be my last Will & testament
 make & constitute this to be my last Will & testament. In witness
 whereof I have hereunto set my hand & every will or testament.