

W. B. Whalley will
State of Georgia } In the name of God we now, I, Wilson, O. B. Whalley being of Sound and disposing mind
Polk County } and memory and desiring to dispose of my property after death do make and declare
this my last will and Testament hereby Revoking all others heretofore made by me
Item 1st } I desire & direct that my body shall be buried in a decent & a respectable manner corresponding with
my circumstances in life
Item 2nd } I direct that my heirs after named Executors pay all my just debts as early as practicable from death of my
or money as can be had Special Polk County Wills
Item 3rd } I Give and bequeath unto my beloved ¹⁸⁴⁸⁻¹⁸⁹¹ wife Elizabeth W. Whalley a child of just et being one of my
^{www.georgiapioneers.com}
property of every kind and description subject to her absolute control & disposition
Item 4th } I Give and bequeath unto each of my children subject to the restrictions and limitations herein of
an equal share with my said wife of all my property & effects of every kind and description
Item 5th } That portion of my Estate named in the 4th Item of this will for each of my daughters I hereby bequeath
and devise unto my daughter George L. Whalley of Alabama County Alabama as her
for each of my three daughters for each of their lives and their heirs and assigns forever

death of my daughter to go to and vest absolutely in these Respective Children
I hereby devise and direct that my said wife shall during her lifetime or widowhood
keep my property together for the joint use, support & benefit of herself and my children
and the education of my minor children. And as my children shall marry or arrive at
lawful age I devise & direct that such persons an advancement not amounting
to their full distributive share of my Estate as my said wife & Brother George
shall deem proper and right. But advancements made to my daughter are
to be received subject to the restrictions and limitations contained in the 5th Item
of this will. All advancements to be equal.

Item 7th During the time my wife shall keep my property together that is during her lifetime
or widowhood it is my will and desire and I hereby empower and authorize
her to sell and convey any property of my Estate, either land or negroes or stock or either
Public or private debt & Reinvest the proceeds in such property as she shall deem for
the interest of my estate. And I hereby empower her in her discretion to deal and convey
my Plantation in Louisiana and purchase another for my estate at such place in such
state as she shall choose and to do so from time to time as she shall deem proper and
convenient with the property of my Estate. And after paying all the expenses of my estate and
family from the artificial increase of the same to invest the surplus of any in such property
as she shall deem proper.

Item 8th Should my said wife intermarry with any other person upon the happening of such an
event I desire that my said Estate with its natural and artificial increase shall
be equally divided among my wife and children. Should she die a like case
accounting for any advancements her or she may have previously received and
in the division of my estate my negroes shall be so divided as to show families as
much together as convenient. ^{Dick County, La. 1848} ^{www.dickcountynews.com} upon the death of my said wife
after subtracting her share of my expenses during her lifetime to be equally divided among
my children subject to the restrictions and limitations contained in the 5th Item of this will.

Item 9th In the event of the death or marriage of my said wife during the minority or before the
marriage of any of my children then I hereby appoint my said brother George executor
for such to take charge and manage of and manage these property until they shall
respectively marry or arrive at lawful age. And as long as there are live minors I desire
to work these negroes together upon a farm to be purchased by him if my estate shall not
at the time own a suitable one. And after all my children shall arrive at lawful age
marry then to work my little slaves negroes together upon a plantation or manage and
control them otherwise if he shall think it is for the interest of the property better my said
little son shall arrive at lawful age.

Item 10th I hereby constitute and appoint my beloved wife Elizabeth B. Whitley executrix of this
my last will and Testament. In witness whereof I have hereunto set my hand
and affixed my seal this 11th day of December 1861. ^{W. D. B. Whitley (Seal)}
Signed sealed Published and declared as the last will and Testament of Wilson B. B.
Whitley in the presence of said testator and in the presence of each other and at the request
of said testator

E. T. Bragg
E. Jones
W. H. Childs
E. J. Whitley

Witness George B. Whitley in my aforesaid last will and Testament having been appointed
executor in trust for my three former children then named and unborn with being in
consent with my wife and changed into a new one from the old one and my

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Appoint a trustee for my said three Daughters. And as they will be very small to take the place and to discharge the duties I designed by my said will to be discharged by my said Brother George. And the discretionary power vested by my said will in my said wife and Executors and Brother George. I hereby ratify and confirm in my said wife. In witness whereof I have hereunto set my hand and seal this 25th day of February 1868. W. B. Whalley. The signed & sealed Published as a Codicil to the last will & Testament of Wilson B. Whalley dated 17th day of December 1861 in the presence of said Testator and at his request.

E. M. Whalley

Attest

Ed. Whalley

Georgia Court of Ordinary, Polk County, Term 1863.

Polk County, in open Court at said Term, Elizabeth M. Whalley produced the last will and Testament of Wilson B. Whalley deceased and also the Codicil attached to said will for Probate in Commission form and produced in open Court E. M. Whalley one of the witnesses to said will and Codicil (who being duly sworn) deposed and said that he saw the said deceased execute said will and Codicil, the annexed will and Codicil and the annexed final will and Codicil voluntarily and without any undue influence and that when he signed said will and Codicil he was of sound mind and disposing mind and memory and that he signed said will and Codicil as a witness to the presence of Testator at his special instance and request and also the other witnesses to both will and Codicil sign the same respectively in the presence of said Testator and of each other sworn to and Subscribed before me in open Court Nov 3rd 1863.

E. M. Whalley

Attest Stephen A. Ross, Clerk Ordinary & Probate Ct. Co. 1863