

Last Will and Testament of Richard M. Whitehead

Georgia

Dougherty County

In the name of God Amen
I Richard M. Whitehead being in good
health & of sound mind memory &
understanding but considering the uncertainty of death
& the uncertainty of this time thereof & to the end
that I may be the better prepared to leave this
world whenever it shall please God. to take one bond
do therefore make & declare this my last Will & Testa-
ment hereby revoking & making void all former Wills made
by me

Item 1st

I hereby constitute and appoint John Brown
Whitehead & James T. Whitehead and the survivors
of them my Executors of this my last Will & Testament
and after the payment of my just debts and
charges I dispose of my Estate as follows

Item 2nd

I give & bequeath my negro servant Robt who
has been in my possession since he was a child
a faithful & obedient servant to be
held by him during his natural life in trust
for the sole and separate use of the wife & children
of him the said Amos Whitehead & not subject
to the debts contracts or liabilities of him the
said Amos in any event and at his death
should the said servant Robt survive him
then & in that event I will and desire that
he go to & become the absolute property of
any of my other Brothers then in life as but
the said servant Robt may select for his
master & I desire that he be treated with
the kindness & indulgence compatible with
happiness as a Slave so long as he may

Item 3rd

I give and bequeath to my beloved wife
Amos all the negroes which I became free
of or entitled to by virtue of any marriage
with her to be hers absolutely subject
to her disposition & Control

Item 4th

All the balance of my Estate both

personal I give & bequeath to John Benjamin
Whitcomb & John S. Whitcomb my Executors
having before named, to be held by them in
Trust for the support Education & maintenance
of any child or children that may be born
unto one of the said Anna & for the support &
maintenance of the said Anna during her
natural life or widowhood. I direct that
my property be kept together as much as possible &
worked under the superintendence & direction of said
Trustees to the best advantage and the whole
income arising from the same after paying legiti-
mate & necessary expenses. I direct to be paid over
annually by said Trustees in kind or in money
to my said wife Anna to be used by her in
the support of herself & in the support & Education
of any child or children born to one of the said
Anna during my life or after my decease so
long as she remains single, and if my said
wife should marry again then I direct &
desire that ~~the income of my said~~ all
payment to her of my income arising from
my Estate shall cease & the same held by
said Trustees solely for the support Education &
Maintenance of my said child or children
until they arrive at their majority at which
time I desire that my said Estate shall be
relieved of the Trust herein created & go to &
that in said child or children should
there be more than one absolutely, share
and share alike. But should my said wife
remain my widow & unmarried until said
child or children arrives of age then & in that
event, I desire & direct that one thirds part
or share of my Estate be set apart for her
use by said Trustees & be kept managed &
controlled by them & the income arising there-
from paid over to her annually by said
Trustees during her natural life or widowhood
& at her death or marriage said part or share
shall also go to & that it be Equally divided
between my said children if more than one
or child if but one. And in the event of

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my death without any child or children
born or to be born, then I desire & direct that the
income arising from my estate be paid over to my
wife Anna annually so long as she may remain single
and in the event of her marriage or death, then said
estate shall come and determine & the whole
shall go to & that in my Mother then in life and the
representations of such as may be dead share & share
alike per stirpes

And in the event I should die leaving child or children
one surviving, or to be born after my death and
such child or children should die before reaching their
majority & leave at the time of their death my said
wife Anna still in life single & unmarried, then & in
that event I desire & direct that she have & receive
the whole income arising from my said estate until
her death or marriage and that upon the happening of
either event said estate in my said Mother or their
legal representations as herein before provided, for
from any trust whatever, my intention being to exclude
my said wife from the income of the same after the bequest in
the third item in case she should ever marry again
after my death

In Witness whereof I have hereunto set my hand and
affixed my seal this 14th day of February in
the year of our Lord one thousand eight hundred
and sixty four (1864)

R. Macfarson Whiteheart

Signed Sealed published & declared by the Testator
to be his last Will & Testament in the presence of
us who have hereunto set our hands as witnesses
in the presence of each other & of the Testator this
day & year above written

A. J. Downie
Nelson E. Gift
Saml. D. Downie

(over)

Georgia
Peach County
Ordinary Office of said
County at Chambers
The above foregoing Will admitted
to Record as Satisfactorily proven in Common
form this 18th day of September 1864

M. H. Wilder
Ordinary &c

Georgia
Peach County
Court of Ordinary November
Term 1864

The above Will of R. Macfarson
Whitehead having been presented for Probate in
Solomon form and it appearing to the Court that
all parties interested have had due & legal
notice of the same & no valid objection having
been filed against the same and A. J. Jones
Nelson & T. & Samuel P. Irwin the three subscribing
Witnesses having appeared in open Court and
and after being duly sworn were duly Examined
Orally by the Court, and said Will being
Satisfactorily proven in Court. It is
Ordered that the same be and it is hereby
admitted to Probate as proven in Solomon form
and that the same be Recorded in said office
and that said Executors be allowed to qualify
and thereupon Let the Testamentary do issue
to them this 18th November 1864

M. H. Wilder
Ordinary &
Ex-officio C. &
P. &c

Recorded 29th Nov 1864

M. H. Wilder
Ordinary