

each other
Bibb County Wills
1851-1865
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Sworn & Subscribed before me this 2nd of
February 1852
J. Tracy
Ordinary
Needham Mims
Josephus Gilbert

The last will and testament of Cherry
Malone of the County of Washington and State
of Georgia-

I give, devise and bequeath all
my estate, both real and personal, and all
effects of what kind soever, to my son
Charles I Malone and my son in law Peter
Solomon, their heirs and executors, administrators
or assigns, upon trust following, that is to say,
that Charles I Malone and Peter Solomon, and
trustees or the survivors of them, or the heirs, executors,
administrators or assigns of such survivor, do, and
shall with all convenient speed after my decease
sell in and collect all debts that may be due
me, and pay my funeral, & testamentary, and pay my
just debts as I may direct after appointment by order of
court, and do, and shall stand possessed.

First. Of Negro girl slave Jane, and all her future
issue, in trust for my daughter in law Jane I Malone
the children of my son Charles I, & Jane Malone, born or
to be born, to the separate use of the said Jane I, & children
my son Charles I Malone, exclusively of the
said Charles I, so as not to be subject to the debts of
said Charles I, or any future husband of the said Jane
I. I will however that the said Charles I, & Jane I Malone
the survivors of them, have full power by written will or
indenture to devise, all or any, part of said property, with
lawful limitations, to whom he or she may think proper
I hereby declare that the execution of this power, shall
be all other trusts herein before declared, & created, in
the mentioned property.

Second) That my Trustees do and shall stand possessed
Mamasa a woman, & her children Hardy and all her
issue, in trust for my daughter Mary I I Sewell
during her life, and to her children born or to be born
so as not to be subject to the debts of her former or any
husband. I will however that my daughter Mary I I
have full power by written will or indenture to devise
all or any part of said property, with all lawful
limitations to whom she may think proper. I hereby
declare that the execution of this power shall

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property. That my trustee ~~do and shall stand possessed of~~ stand possessed of ~~lands~~ a woman and all her future increase in trust for the separate use and benefit of my daughter Adriaan P. Jones during her life, and her children, born or to be born exclusively, so as not to be subject to the debts of her present or any future husband. I will however that my daughter Adriaan P. Jones, have full power by written will or indenture to devise all or any part of said property, to whom she may think proper, and I hereby declare that the execution of this power shall revoke all other trusts hereto before ~~mentioned~~ declared & created in said above mentioned property.

(4th) That my trustee do and shall stand possessed of Nelson a man and Nancy a woman, & their future increase in trust for the separate use & benefit of my daughter Maria Louisa Solomon during her life & her children born or to be born exclusively, so as not to be subject to the debts of her present or any future husband. I will however that my daughter Maria Louisa have full power by written will or indenture to devise all or any part of said property to whom she may think proper, and I hereby declare that the execution of this power shall revoke all other trusts hereto before declared & created in said above mentioned property.

(5th) It is my will further that my trustees shall at all times have power to sell or exchange any part of said portions or legacies, hereto before bequeathed upon the written consent or request of the legatee of such portions, to be sold or exchanged, provided such sale or exchange, is for the convenience & benefit of such legatee, or comfort & happiness of such place to be sold or exchanged, and in case my trustees herein named or any future trustee or trustee of this my last will and testament, shall die or wish to be discharged or shall refuse or become incapable of acting - then & in that case it is my will that any Superior or Inferior Court of any County of this State in which the party may reside, upon written or verbal application of any one of said legatees or their legal representative or next friend, to appoint by order of said court, such trustee or trustee or such legatee or legatee or their representative may select to execute the trust coupled with the particular legacy of such legatee, with all the powers and authorities that my trustees could have, were they continuing to act under the trust hereby imposed on them. And I further declare that the receipt of any of my trustees shall

form all liability for application of monies received for the sale or exchange of any part of said property, and I declare further that my trustee shall not be accountable for any monies in any sale or exchange, or in any other way, than for such as are the consequences of wilful neglect and that no one shall be accountable, only for his own acts and deeds, and not for the deeds, accepts or disbursements of other of them.

I give, devise and bequeath to my trustees and their successors in trust of this my last will and testament, and all other property of which I may be possessed at the time of my death, not heretofore or hereinafter devised or bequeathed to be sold, and after my just debts shall have been settled or paid off, that of the remainder of any. I first will that my son son Charles & Malone have one hundred dollars, and also to my son Charles & Malone I will and bequeath five hundred dollars, and also to my daughter Mary A. & Jewett three hundred dollars, and then the remainder if any, be equally divided between my four children Charles & Malone, Mary A. & Jewett, Adnan R. Jones & Maria Louisa Solomon, to be held subject or paid over to them for their special use and benefit, or a not to be subject to any of the present existing debts of the said Charles & Malone or the debts of the present or any future husband of the said said daughters. And I further nominate and appoint my dear son Charles & Malone and my much respected son in law Peter Solomon executors of this my last will and testament, and I hereby revoke all former wills by me at time made, and declare this to be my last will and testament. In witness whereof I have hereunto set my hand and seal this 19th November day of 1851 eighteen hundred and fifty one.

Cherry Malone 

Signed and sealed by the afore mentioned Cherry Malone as her last will and testament in presence of us, who in her presence, and in the presence of each other have under do assign our names as attesting witnesses thereto.

Andrew McConkey
W. B. Harmon

Personally appeared before me Philemon Isaac, Ordinary of Bibb County, Geo., Andrew McConkey who being duly sworn, says that he saw the testator Cherry Malone sign, seal & publish the within instrument as her last will & testament, that he signed the same as subscribing witness at her request in her presence, & that he saw W. B. Harmon likewise. Deponent further says that the said Cherry Malone at the time of executing said will was in her senses.

8th April 1852

Andrew McConkey

Mary
OrdinaryState of Georgia
Bibb County

In the name of God, Amen.
 I, Midas L. Graybill of said County & State
 being in perfect health do make this my last
 will & Testament hereby revoking all others heretofore made
 by me.

1st I desire I direct that my body be buried in a decent & Christian manner.
 2nd It is my will I desire that my Executrix pay all my just
 debts if any there are, as soon after my death as she can.
 3rd It is my will & desire that all my property and right
 of property of whatever kind whether real, personal
 or mixed remain & be kept together for the use & benefit
 of my wife and children until my youngest child shall
 become twenty one years of age: then for my said property to
 be divided among & between my said wife and children.
 It is also my desire that when my oldest child or any other
 of my children shall arrive at age or at such age as
 to require assistance or advancement that my Executrix
 shall advance to such child or children such amount
 as she may think proper and advantageous for him, her
 or them, having due regard to the ability of my said
 Estate to make such advancement and to the rights of
 my other children: but the division of my said Estate
 not to be made until my youngest child shall become
 of age as herein before provided for.

4th I desire I direct that my Executrix manage
 & control my said Estate as she may think most
 advantageous and most to the interest of my wife
 and children and that she do this without the
 trouble or expense of making any returns of any kind
 to any Court.

5th I here by nominate and appoint my wife
Mary Graybill the Executrix of this my last
 will & Testament.

Done this February 23. A.D. 1852.
Midas L. Graybill
 Signed, Sealed, declared and