

Record of the last Will & Testament of Wm Toney

State of Georgia I William Toney of said County & State being of sound
 body & of sound mind & memory do make and publish
 the following as my last will & testament.

Item 1. I wish my just debts punctually paid.

Item 2. I give and bequeath to my daughter in law Sarah Ann Toney wife of
 my son Washington Toney of Henry County Alabama during her life or widowhood
 and for her sole and separate use, and to the children of said Washington & Sarah Ann
 now living or hereafter to be born, in equal portions, my negro slaves to wit, Big
 Alex a man, big Eliza a woman & her children Bayle a man Adell a girl & George
 and Lucius boys, Edmond a man, Louisa a woman, and her children Celeste and
 Phill, Matley a man, Bob a man, Wyatt a boy & Sandy Carolines child Sarah a
 woman, Lissy a woman, & her child Aaron, Marshall a man for a man, Spivey
 a man, Charity a woman & her child Phil Perry a man, Spencer a man, Haley
 a woman, Gus a man, Zephra a woman, & her children Betty a girl Charles or
 Jack a boy, Edmond a boy & Emma a girl Chas, Becky a woman; also all
 this ~~land~~ ^{property} of every description, hogs horses mules Cows Calves and
 sheep now in Washingtons possession; the proceeds of crops heretofore there
 after made on my land & with my negroes in Alabama now in said Wash-
 ingtons' possession to be used free of charge until after my death & until the
 general sale and division of my property as herein after ordered, Upon the
 death or intermarriage to an other of the said Sarah Ann I desire her part of
 all property conveyed to her in this will to go and vest in said children, or
 their representatives, & all the aforesaid property declared to be given to the persons
 aforesaid exclusive of the husband and his creditors in any event. In the event
 of my son Washingtons' death I order that all the property real & personal be
 kept & held together by the trustees until the youngest child of said Washington
 shall arrive at the age of sixteen, for the purpose of enabling the mother
 to raise and educate the younger children equally with the older ones, & in
 keeping the plantation and main bulk of the property together as ordered it is my
 wish that their father & mother will give off acting jointly with the trustees
 or by their legal concurrence, to the children as they become of age or marry
 what ever property they can subject to their discretion.

Item 3. I give and bequeath to my daughter Eliza E. Hicks wife of Robert E. Hicks
 of Clay County and State of Georgia, during her life & for her sole and separate use
 and to the children of the said Robert & Eliza now living or hereafter to be born in
 equal parts, my negro slaves to wit, Andrew a man, Stuttering Mary a woman,
 & her children Simon a man Isaac a lad Lewis a boy & Sylvia a child, Bayles a man
 Boston a man little Alex a man, Seaborn a man, Amelia a woman
 Jeff a man Malinda Marys child Betty a woman Abigail a woman Alfred a man
 Jane & child Adam, Malinda Boston a woman Henry Malinda Boston
 and Julia Ann; At Elizas death the property conveyed to her in this will
 I order to go to her children in equal portions exclusive of her husband
 his creditors in every event. Said Eliza's trustees may give off to her children

Last Will and Testament of William Toney

their portions or parts thereof as they become of age or marry according to their sound discretion.

Item 4. I give and bequeath to my ^{son James T. Toney,} of Clay County, Georgia during his life and to his lawful children now living or hereafter to be born the following negro slaves to wit Sanford a man Harriet a woman a male child, a male child, Emma Ready & her all Harriet's children, Big Will a woman Mellen Martha, a woman a female child a woman & her child Penny Rhoda a woman Montgomery a man & Francis a girl Henson a man Perry a boy Reuben a man & Green a boy Amy a woman Cily a woman Eliza Hemming a woman Stetson Mariah a woman Jasper a man Abner a man and Martha & her child Anna Kitty Harriet's daughter Nelson a man & Polly a woman; the latter woman to remain with my daughter Mary during her lifetime or widowhood free of charge I also will and give to said James T. Toney & children Four thousand six hundred dollars in Cash and my stock in the South Western Rail Road amounting to two thousand dollars said cash & Rail Road stock to be taken possession of by said James & children's trustees and managed by them and paying the interest and dividends annually to said James and children On the death of said James T. Toney the whole of the property devised to him by this will is to go to & vest in his lawful children or their representatives in equal portions making an equitable allowance for the support and maintenance of the younger children, And all of said property is to be taken into possession & management of the lawful trustees of his children to be held and managed for the support & education of them and giving off to each his or her share as they become of age or marry, I should James T. Toney's wife Rhoda Ann survive him I wish a reasonable allowance paid her annually by the trustees for her support.

Item 5. Having given divers amounts to my deceased son in law Sandy Walker then husband of my daughter Mary S. Walker and also to her offspring to wit heretofore I hereby and bequeath to said Mary S. Walker and her children the town lot in the City of Macon in Cobb County Georgia, on which she resides, the use of the negro woman Polly during her lifetime or widowhood and the sum in Cash of Four thousand five hundred dollars and no more I wish said property used by her during her lifetime and at her death to be equally divided between her children.

Item 6. I give and bequeath to the wife & children of my deceased brother John of Franklin Georgia the farm on which John had been residing.

Item 7. I will and direct that all my personal property of every kind not otherwise disposed of in this will be published and the proceeds be equally divided between the wife and children of my son Washington on the one part Eliza B. Parks and her children of the one part and the said James T. Toney and his children of the other part being three equal parts, under the qualifications terms & conditions heretofore prescribed in case of legacies to them left on this will: all amounts of sales over fifty dollars to be on twelve months credit will be deemed and for all sums under that amount cash.

Item 8. I will and direct that all my lands in Alabama & Georgia or elsewhere (except that given to brother John's wife & children in item 6) be duly advertised and sold at public outcry for the third Cash & the balance on one

Last Will and Testament of William Toney

and two years credit or the whole on one two years credits with interest from date of date in both cases as my Executors may deem best, to be well secured with deeds of trust, or otherwise and the money arising from the sales and all moneys due me from other sources or which I may have in hand not otherwise disposed of by this Will be equally divided into three equal parts and one third be given to the wife and Children of said Washington Toney one third to said Eliza E. Ricks & Children and the other third to the said James N. Toney & Children all under the the terms qualifications conditions and restrictions herebefore prescribed & repeated touching legacies to these several persons or classes of persons.

Item 9. I give and bequeath the gold Watch I wear & the seals to my son Washington son William if he survives me otherwise to said son Washington, sons Sterling Bass or Tandy Walker as said Washington may order. The Watch my son William wore & the gun he used I give to the said Sterling Bass or Tandy Walker. Toney as Washington may order. I give to my son Washington's wife and Children my son Williams Portraitt & my blacksmith tools; I give my family Clock to Eliza E. Ricks & Children I give my portraitt to Eliza E. Ricks and if she should die in the lifetime of my said son Washington I then will & give my portraitt to said Washington. All legacies under this item to be under like terms restrictions and conditions herebefore prescribed & repeated.

Item 10. All the residue of my property in all forms, if any, not herebefore or hereafter disposed of by this Will, I wish converted into money and divided into three equal parts, & one part to go to Washington Toney's wife & Children. One part to Eliza E. Ricks & Children and one part to James N. Toney & Children under the terms conditions restrictions and qualifications herebefore prescribed as to them.

Item 11 If any of my children herein named should marry a second time then I will and direct that their husbands or wives as the case may be and their Children thereafter born should be come legacies equally & fully in the places and with those herebefore named.

Item 12. I will and direct that if any of my Children or legacies should attempt to break or set aside in law this my last will & Testament, that such Child or legatee shall forfeit all right title & interest in and to any and all of my property or legacies herein given and the portion or portions herein given to such legatee or legacies so forfeited shall go to and be divided between the legacies abiding this my last Will & Testament.

Item 13. I will and direct that the legacies given to Washington Toney's wife & Children under this will be held responsible for any decumtary I may be liable for said Washington trustee either to Miss Eliza S. Bass or Samuel Bass until paid but for nobody else.

Item 14. I will and direct that the negro children hereafter born shall go to the legacies to whom their mothers go. I give Eliza E. Ricks & Children little Nell a negro woman I give & bequeath to Eliza E. Ricks & Children old Mamma a woman & six hundred dollars in cash. I give and bequeath to my son Washington and Children aforesaid old Molly a woman Hannah a woman.

Last Will and Testament of William Toney

four hundred dollars in cash I will manumit Child John his freedom and appoint Washington Toney & Robert E. Ricks to see that this my will is fully executed until then sons William Toney & Robert Ricks Junior become of age, then I wish the two latter to act in their places, I also will old Kitty and her daughter Hannah & her Child & her Children hereafter to be born their freedom and appoint the above persons named in Johns case to act for Kitty Hannah & Children and order and direct them to see to it that my will in this particular is fully carried out.

Item 15. I hereby name ordain and appoint Washington Toney aforesaid and Doctor Sterling Paces of Columbus Ga trustee for my son Washington Toney's wife and Children who take under this Will to take and hold the legal title to all property herein given with the right & power on part of said Washington to manage all the property thus bequeathed to his wife & Children during his life and to give off to his Children as hereafter suggested, such portions of property as the circumstances and condition of the estate may authorize advised by his own sound discretion If Washington should die before his

(wife) I hereby empower the survivor Sarah Ann and her two oldest Children to select their trustees. I name and appoint James J. Johnson of Scott County Ga trustee for my daughter Eliza E. Ricks & Children to hold the legal title to their property of her and her children herein given to them, with the privilege to said Eliza & her two oldest Children of selecting their trustees.

I name and appoint said Robert E. Ricks and such other person or persons as the proper Court may appoint trustees for James N. Toney & Children to take & to hold the legal title to all property given them by this Will I direct that there always be two trustees for this purpose. During James' life I wish him to work his land and crops but after his death I wish the trustees to take charge, possession & management of the same for his Children's benefit

I name and appoint Charles J. McDonald of Scott County trustee for my daughter Mary J. Walker & Children with the same powers and for the same purposes as prescribed for trustees to hold title and manage property as heretofore ordered in this Will in preceding cases of legacies.

In testimony whereof I have hereunto set my hand and affixed my seal this 27th day of October in the year of our Lord one thousand eight hundred and fifty seven

William Toney *(Seal)*

Signed sealed & published as his last Will & testament by said William Toney being of sound mind and disposing memory in our presence who at his request have subscribed the same as witnesses, to the due execution thereof in his presence & in the presence of each other this the 27th day of October in the year of our Lord one thousand eight hundred and fifty seven The words "I do hereby" before signed also the word "last" interlined on page 3 before signing

Charles J. McDonald
James J. Johnson
Alfred Burdett

Last Will and Testament of Mrs. Toney

Georgia } We do solemnly swear that this writing contains the true
 Clay County } Last Will of the within named William Toney deceased so far
 as we know or believe and that we will well and truly execute the same
 by paying first the debts and then the legacies contained therein as far as
 his goods and Chattels will thereto extend and the law Charges us &
 that we will make a true and perfect inventory of all such goods &
 Chattels to help us God January 11 1858 Washington Toney

Jno H. Jones Ordy

Robert G. Parks

State of Georgia } Before me John H Jones ordinary for said County
 Clay County } in open Court came Washington Toney & Robert G Parks
 and produced in open Court the last Will of William Toney late of said
 County deceased and the witnesses to said Will to wit Charles F Bernis
 Alfred Prescott & William J Johnson which witnesses being duly sworn
 depose and say that they saw William Toney the Testator sign seal
 and deliver and publish the annexed sheet and instrument now
 presented as his last will & testament freely voluntarily and of
 his own accord and without any compulsion or influence what
 ever, that at the time of executing of said will the said testator
 was of sound mind and disposing ^{mind &} memory that deponents signed
 said will as witnesses in the presence of the testator and at his
 special instance and request and in the presence of each other
 sworn to and subscribed in open Court

before me this 11th day of January 1858.

John H Jones Ordy

Charles F Bernis

Wm J Johnson

Alfred Prescott

Recorded January 11 1858

Jno H. Jones Ordy