

MARRIAGE AGREEMENT AND AN INDENTURE
OF THREE PARTS

HENRY ATWOOD AND ANN McINTOSH

TO

JAMES NEPHEW AND THOMAS KING,
TRUSTEES FOR ANN McINTOSH

Wills

*Meta A. Watson,
Valona, Ga.*

will

Courtesy of

A. H. S. Weaver
Attorney and Counsellor at Law
Macon, Georgia

MARRIAGE SETTLEMENT BETWEEN ANN McINTOSH AND HENRY ATWOOD.

Georgia
McIntosh County.

An indenture of three parts made this the first day of December, 1824, between Henry Atwood of said county, of the first part, Ann McIntosh of same place, of the second part, and James Nephew and Thos. Fing, of the third part,

Whereas a marriage is shortly intended to be solemnized between the said Henry Atwood and Ann McIntosh, and upon the treaty of said marriage, it was agreed between the parties that all the estate, both real and personal of which the said Ann McIntosh is now seized or possessed, or has an interest in, or which may come to her after her said marriage, either by descent from her father, John L. McIntosh, now deceased, or from her grand-father, John McIntosh, also now deceased, or from any other person or persons, by Gift, Devise or bequeath from any or either of them, by deed, will or settlement or any other conveyance of any kind or nature soever, whether she be now entitled to the possession or whether the same be in remainder, reversion, or in any other manner should be secured to her use in the manner hereinafter mentioned:

Now this Indenture witnesseth that the said Ann McIntosh in consideration of said intended marriage and of the premises and of one dollar to her in hand paid by Henry Atwood, the receipt whereof is hereby acknowledged and for divers other considerations her hereunto moving, and by and with the consent of and approbation of said Henry Atwood certified by his signing and sealing these presents, hath granted, bargained, sold, and assigned, transferred and set over and by these presents doth bargain, sell, assign, transfer and set over unto the said James Nephew and Thomas King all the rights, interests and claims, (of her, the said Ann McIntosh), of and to a certain female slave named Bess and her child Binah, together with all the right, title and claim which she now has in possession, reversion or remainder of, in and to two certain tracts of land are (as) designated and described in the last Will and Testament of the said John McIntosh in the words following, to wit.:

"The tract of land on which I now live and another adjoining the same, making three hundred and fifty acres"

and also four negro slaves in the beforementioned Will of John McIntosh named, to wit.: Isaac, August, Peter and Jenny, and also one half of the stock which belonged to the said John McIntosh likewise mentioned in the last Will and Testament of the same, and also all the right, title and interest, claim and demand of, in and to any other estate, real or personal, to which she is entitled in possession, reversion or remainder either under the Will of her said grand-father John McIntosh, or by descent from him, or or descent from her father, John L. McIntosh, or by or under any last Will and Testament, deed or conveyance of any kind whatsoever made by either of them,-

To have and to hold the same, together with the issue of any of said female slaves, to the said James Nephew and Thomas Fing and to the survivor of them and to the heirs, executors, and administrators of such survivor forever. . But upon the Trusts nevertheless and to the interest and purposes hereinafter mentioned, that is to say, to have and to hold the same for the sole and separate use of the said Ann McIntosh for and during her natural life, and after her death then to the issue of said Ann McIntosh by the said Henry Atwood and to the heirs and assigns of such issue forever,

Marriage Settlement between Ann McIntosh and Henry Atwood.

if any such issue be living at the time of her death, then to the said Henry Atwood, his heirs and assigns, absolutely forever, but in case the said Henry Atwood shall first die leaving no issue of them, the said Henry Atwood and Ann McIntosh, at the time of his death, then to the said Ann McIntosh, her heirs and assigns, absolutely forever. And for the purpose of making effectual in law the agreement entered into between the said Henry Atwood and Ann McIntosh upon the treaty of the said marriage and to secure to the sole and separate use of the said Ann McIntosh all of the estate, both real and personal, possessed or which may hereinafter come to her, whether the same be in possession, reversion or remainder, and also all the estate, real and personal which may hereinafter come to or belong to her by gift, bequest, or devise, grant, will or deed or conveyance of any kind or nature whatsoever, so that the same shall not be in the power of disposal of the said Henry Atwood. The said Henry Atwood for himself, his heirs, executors and administrators, hereby covenants and agrees to and with the said James Nephew and Thomas King and the survivors of them, and the heirs, executors, administrators and assigns of such survivor that notwithstanding said intended marriage shall take effect, the said estate hereinbefore mentioned and the rents, issues, profits thereof and also any other and further Estate real or personal, which may hereafter come to the said Ann McIntosh as hereinbefore mentioned and the rents, issues, profits thereof shall be accounted reckoned and taken as a separate and distinct Estate of and from the Estate of him, the said Henry Atwood, and be in no wise liable or subject to him or to the payment of any of his debts, but that the same and every part thereof shall be ordered and disposed of to and for such use or uses, intent and purposes and in such manner and form as is hereinbefore mentioned, and further that the said Henry Atwood shall and will from time to time and at all times from and after the intended marriage shall take effect, from every reasonable request and at the proper cost and charges of said James Nephew and Thomas King and the survivors of them, make and execute all and every such further act or acts, thing and things for the better settling, assuring and securing the said Estate, real and personal, of the said Ann McIntosh, allotted and declared for her separate use, benefit and behoof as aforesaid as by the said James Nephew and Thomas King or the survivor of them or their counsel, learned in the law, shall be reasonably devised, advised or required, and is hereby agreed by and between the parties to these presents, that the said James Nephew and Thomas King and the survivor of them and the heirs, executors and administrators and assigns of such survivor, shall and will upon the request in writing of the said Henry Atwood and the said Ann McIntosh or such other person or persons as may hereinafter be beneficially interested in the Trusts herein and hereby created, sell and dispose of the whole or any part of the Estate hereinabove mentioned and conveyed or assigned upon such terms and for such price as the person or persons so making and entitled hereby to make such requests in writing shall direct and require, provided that the proceeds of such sale shall be secured and invested upon the same conditions and limitations as are hereinbefore contained in relation to such of the said real or personal, as may be sold: Provided always, nevertheless, and it is hereby agreed by and between the parties to these presents, that when and so soon as the said Trustees, parties to these presents, shall by death or otherwise be reduced to one, then such survivor shall thereupon choose and appoint some other fit and proper person to be Trustee for the purposes aforesaid, together with such remaining Trustee, and that thereupon the remaining Trustee shall and will sufficiently convey, assign and make over all the rest and residue of said Trust Estate and premises to and in such sort as that the same shall be legally vested in such surviving Trustee and such new Trustee to be chosen and appointed as aforesaid, and their heirs